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OF

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THE MIRROR OF PARLIAMENT.

FOR

THE FIRST SESSION OF THE
THIRTEENTH PARLIAMENT OF GREAT BRITAIN AND IRELAND
IN THE
FIRST AND SECOND YEARS OF THE REIGN OF QUEEN VICTORIA,
APPOINTED TO MEET NOVEMBER 15. 1837, AND FROM THENCE
CONTINUED TILL AUGUST 16. 1838.

EDITED BY

JOHN HENRY BARROW, Esq.

BARRISTER AT LAW.

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1838.

HOUSE OF COMMONS, SABBATI, 16° DIE DECEMBRII, 1837.

ELECTION PETITIONS.

Portarlington Election.—Mr. SPEAKER acquainted the House, that John Kelly and the other electors who petitioned this House upon the 1st day of December instant, complaining of an undue election and return for the borough of Portarlington, had not entered into a recognisance in respect of such petition, according to the directions of an Act made in the ninth year of the reign of his late Majesty King George IV., intituled "An Act to consolidate and amend the laws relating to the Trial of Controverted Elections or Returns of Members to serve in Parliament." — Order for considering petition on Thursday, the 29th day of March next, read, and discharged.

London Election. — Mr. SPEAKER also acquainted the House, that John Sharp and the other electors who petitioned this House on the 1st day of December instant, complaining of an undue election and return for the city of London, had not entered into a recognisance in respect of such petition, according to the directions of the said Act. — Order for considering petition on Tuesday, the 27th day of February next, read, and discharged.

RETURNS, &c.

Captain Mitchell's Mission. — On the motion of Mr. HUME, a Return was ordered, —

Of the expense of Captain Mitchell's mission to the Peninsula; distinguishing the contingent expenses of the mission, and how many maps and plans were prepared by him, and of what districts, places, or battles; also, where those plans and maps are now deposited.

Colonial and Australasian Banking Companies. — On the motion of Mr. FINCH, an address was ordered for —

Copies of the charters granted to colonial and Australasian banking companies.

SLAVE COMPENSATION BILL.

The Order of the Day having been read on the motion of the CHANCELLOR of the EXCHEQUER, Mr. SPEAKER left the chair, and the House resolved itself into a committee of the whole House on this Bill, Mr. BERNAL in the chair.

The first clause was agreed to.

On the second being put, which relates to the Compensation Fund, —

Mr. HUME said: — I wish the Right Honourable Gentleman the Chancellor of the Exchequer would be kind enough to explain the meaning of this clause.

The CHANCELLOR of the EXCHEQUER. — I will tell the Honourable Gentleman the purport of it, in two words. The Slave Compensation Fund was provided for, partly in money and partly in stock. Before the Bill passed, certain claims were paid in money: but there is now a surplus of stock, and a deficiency of money, and the object of this clause is to allow stock to be sold out to supply the deficiency of money. In fact, the clause is intended to remove a technical difficulty which had arisen rather unexpectedly.

Mr. BAINES. — I should like to hear from the Right Honourable Gentleman what proportion of the 20,000,000*l.* voted for the liberation of slaves has been already distributed, and whether any inquiry has been made into the conduct of the masters towards their apprentices; for it should not be forgotten that the proprietors of the slaves are now the masters of the apprentices. I also wish to know whether, if it should turn out that any apprentices have been treated with cruelty by their masters, the Government intend to withhold from such masters the remainder of the sum which Parliament has voted them as compensation?

The CHANCELLOR of the EXCHEQUER. — If the Honourable Member for Leeds will refer to the accounts, he will find that they show the precise manner in which the compensation fund has been distributed, and the amount which has been paid to the different planters. As to the other question whic has been put to me by the Honourable Member for Leeds, I have only to observe, that Government has not the power to withhold from the planters any part of the compensation to which they are entitled by Act of Parliament on making good their claims.

Mr. AGLIONBY. — This subject is one which excites great interest throughout the country generally, and especially amongst my own constituents. Indeed, if I may infer what the state of feeling is from the numerous letters which I receive upon the matter from my part of the country, the public is most anxious that justice should be done, not only to the planters, but also to their emancipated apprentices.

SIR GEORGE GREY. — Her Majesty's Government are most anxious to render impartial justice to all the parties interested in this great question. They have always tendered, and are still willing to tender, every information in their power respecting the working of this measure. Not the slightest opposition will be offered by them to the re-appointment of the committee which sat last Session, and they will cheerfully lay before it every document in their possession which is calculated to throw light upon the subject of its investigation.

Mr. BAINES. — I do not know whether I understood the Right Honourable Gentleman correctly, when I understood him to say, that even if the slave owners should violate the compact made between them and the Parliament of this country, the Government would not be entitled to withhold from them any part of the compensation which yet remains unpaid?

The CHANCELLOR of the EXCHEQUER. — I assure the Honourable Member for Leeds, that I can only repeat the answer which I gave him just now. Her Majesty's Government has no power to withhold any part of the compensation money. By law, it belongs to the parties to whom it has been adjudicated, and nothing but an Act of Parliament can take it from them, or authorise the Treasury to withhold the payment of such portion of it as remains due to them.

Mr. BAINES. — A general notion prevails in the country, that the negro apprentices have been exposed, by their masters, to very cruel treatment; and it has in consequence become a matter of ous consideration how the subject may be most effectually brought under the consideration of Parliament. After the enormous sums paid for the liberation of the negroes, Government is bound to see that the contract on the part of the planters be fairly and conscientiously fulfilled. I hope the Government will in some way or other take care that the planters perform their part of the contract, and that they will withhold the compensation yet unpaid from those who have violated that contract, as is stated, contrary to every principle of justice and humanity.

Mr. HUME. — It appears to me that my Honourable Friend the Member for Leeds is bound both in justice to the public who have paid, and in justice to the planters who have received, so large a sum of money by way of compensation, to bring forward, in a specific shape, the charges which he has just made against the good faith and humanity of the planters. Why not bring them at once under the notice of Parliament? I see, from a Report which has appeared in the public journals, that a short time since there was a public meeting held, in London, on this subject, which was attended by no less than nine Members of Parliament. Why have none of them brought before the House the cruelties which were at that meeting alleged to have been perpetrated by the masters upon their apprentices? If they do not like to come foward themselves, let them place their papers in my hands, and I will bring the whole subject under the notice of the House. That is the right and proper course to pursue; and it is neither just nor proper for Honourable Members to be constantly making charges against the planters which the planters are not present to meet, and for which their defamers produce no proofs.

Mr. BAINES. — I do not understand what my Honourable Friend means.

Mr. HUME. — Then I will tell my Honourable Friend the Member for Leeds what I mean. It is alleged that the Acts of the planters towards the negro apprentices are such, that the only way of relieving the latter from the oppression of the former is by making the apprenticeship clause, which is not to terminate till 1840, terminate in August, 1838. Now, if my Honourable Friend the Member for Leeds, or if any other Honourable Member, is cognisant of any individual act of cruelty,—if he really believes in the truth of the statements so directly impugning the conduct of the planters to their apprentices, it is his bounden duty to bring them under the notice of the House. He is also bound to state the names of the particular planters whom he alleges to be guilty of these cruelties, in order that the censure of Parliament and of the public may fall upon those who are really guilty, and may not be directed against those who are innocent. That is the only way in which justice can be done to both sides in this matter.

Mr. BAINES. — In case no other person, of greater weight and influence, shall bring this subject before the House, I will, unquestionably, take it up myself. I hold, that justice should be done as well to the planter as to the negro; for, with my anxiety not to bring any unfounded charge against the planter, is mingled an anxiety to satisfy the negro that he will always, if oppressed, meet with support and protection from Parliament.

The above clause, together with several others, were severally agreed to, with verbal amendments.

House resumed; Bill to be reported on Monday next.

CIVIL LIST BILL.

On the motion of the CHANCELLOR of the EXCHEQUER, the Report of this Bill was brought up, and agreed to; and on the motion of the Right Honourable Gentleman that the Bill be ingrossed and read a third time on Monday next, —

Mr. CHALMERS said: — I beg to give notice, that I will, on Monday, move the omission of the fifteenth clause, which transfers to the Consolidated Fund a charge of 10,000*l.* for secret service money, which has hitherto been fixed on the Civil List.

Mr. GROTE. — I beg also to give notice, that I will, on Monday, move the omission of the clauses allowing her Majesty to grant pensions not exceeding 1200*l.* every year, and that I shall take the sense of the House on my motion. I should have done so last night, but for the lateness of the hour at which the debate terminated.

Mr. HUME. — I wish to avail myself of the present opportunity, as the most fitting one, to reply to some remarks which were made last night by the Right Honourable Gentleman the Chancellor of the Exchequer, upon a statement of absolute facts which I ventured to bring under the consideration of the House; and however much I differ in opinion on most subjects from many Honourable Members, still there can exist no difference between us on matters of figures, and matters of fact. I will therefore generally state now, what I did allege, and I will show how insufficient and unsatisfactory the answer of the Right Honourable Gentleman was. I stated my object distinctly; I declared that that object was, not to continue in the amount of the Civil List the expenses of the two departments of the Lord Chamberlain of the household, and the Lord Steward; at the same time observing, that I did not wish to affect the amount to be granted for the privy purse of 60,000*l.* But, Sir, what I chiefly contended for was this: — that, as we are reducing the salaries in every establishment in the country, as nearly as circumstances will permit, to the level of 1792 (a period before the rise of prices occasioned by the war of the French revolution), we should not be acting fairly by the people if we did not apply the same rule of reduction to the Civil List in all its departments. In order to elucidate my meaning, I showed that the expenses of the Lord Chamberlain's department were in 1792, 47,900*l.*, and that they were, now, 66,400*l.* My Right Honourable Friend the Chancellor of the Exchequer, in reply to that statement, told the House that the salaries in that department, which were formerly 1200*l.*, had been reduced to 900*l.* But if the expense in 1792 was 47,900*l.*, and if it has been increased to 66,400*l.*, in spite of his alleged reduction in the salaries, it is evident that the expenditure of the department has increased since 1792 nearly one half of the amount which it then extended to. And here let me observe, that it has always been a great object to take care that no undue favour should be shown to any public department. Now, what is the fact as to the fees which were paid to those offices? They have been reduced, it is true, but only "reduced." I ask whether it is not a monstrous thing that tradesmen, supplying articles to the royal household, on receiving their appointment, should be compelled to pay heavy fees to the Lord Steward's and the Lord Chamberlain's offices? If these fees are reduced, what will be the result? Why, that the tradesmen who now make an extra charge of five per cent., to enable them to meet these fees, will then be enabled to supply goods at so much less. So far from its being an argument against me, I say the whole statement of the Right Honourable Gentleman was in my favour, and I complain that the Government do not give the public the benefit of these reductions. In the Lord Steward's department the expenditure was, in 1792, 29,153*l.*, and it is, now, 36,381*l.* So, again, in that of the Master of the Horse, the expenditure was, in 1792, 12,700*l.*, and it is, now, 27,600*l.* I have this morning examined the accounts of the four departments of the Lord Chamberlain, of the Lord Steward, of the Master of the Horse, and of the Master of the Robes, for the six years beginning with 1786 and ending with 1792, and I find that the annual expenditure of the four departments for that period was, upon an average, 90,956*l.*, and yet it is now proposed to raise the expenditure of the same four departments to 131,000*l.* and upwards. Thus there is an excess of the Civil List for the present reign above that allowed to the Sovereign between the years 1786 and 1792 of 40,000*l.* odd money. I think that the House ought to pause before it grants such an augmentation to the Civil List for a reign which will last, as I hope, for at least fifty years to come. I would refer to the observations made on a former occasion by the Honourable Member for Liskeard (Mr. Charles Buller), and I would appeal to the Right Honourable Gentleman the Chancellor of the Exchequer, whether we ought, in the present enlightened age, to continue the antiquated and useless sinecures which are charged upon the Civil List, and whether they ought not to be swept away, so as to bring back the expenditure to the scale of 1792? Instead of raising the charge 40 per cent., my Right Honourable Friend ought to have reduced it 40 per cent., for the difference between the prices of 1792 and those of the present day is by no means such as to justify the enormous increase which my Right Honourable Friend now proposes to make, more especially after the credit which he has taken for the reduction of salaries in the different departments. When we have made reductions in all other departments of the public expenditure, is it right to leave the Civil List the only department in which reduction is unattainable? The amount of the tradesmen's bills in the departments of the Lord Chamberlain, the Lord High Steward, Master of the Horse, and Master of the Robes, in the years 1786 to 1792 averaged 118,000*l.*; the amount is now to be 172,000*l.*, being an increase of 54,000*l.*, in what I call the tradesmen's bills, in addition to the 40,000*l.* which I have already stated to be the increase in the salaries of those departments. I have taken pains to calculate the increase of prices on all articles since the period of 1792, and the utmost increase which I can discover is from 17½ to 20 per cent.; so that there is nothing to justify this wanton expenditure. In some articles, indeed, the increase is small; in the prices of others a reduction has taken place. When the country reflects on the fact, that out of a House of 400 Members only 22 could be found to vote for my motion last night, it will be convinced that a majority of this House is opposed to the reduction of taxation. I am anxious to effect the reduction of taxation, and my anxiety to do so is much aggravated when I find tens of thousands of poor labourers, living upon 4*s.* 6*d.* a week; and that, in the counties of Dorsetshire and Wiltshire, the labouring men, with families, are living on not more than 8*s.* a week on the average of the whole year. I think her Majesty should be made acquainted with such circumstances. She should study the wants and wishes of her people, and endeavour to live in their affections, instead of suffering her Ministers to wring from them, on her account, the utmost extent of money which the aristocracy in this House may be willing to grant. One half of the officers in the royal household might be dispensed with, as they are not necessary either to the comfort or dignity of the Sovereign, and are only a part of that foolish, empty parade which was exhibited so glaringly during the reign of George IV. For my own part, I cannot endure to see men standing stiff and erect in gold laced liveries. I wish to see nothing but rational reduction made in the Civil List; but I wish that reduction to be made for the sake of her Majesty, and out of consideration for the wants of the people, of whom many are nearly destitute of the common necessaries of life. In 1792, 16,000,000*l.* was the whole amount of annual revenue derived from the people. Now, 50,000,000*l.* are wrung from their hard earnings. In 1792, 5,000,000*l.* covered the whole expenses of the Civil List, of the army, of the navy, of the ordnance, and of the miscellaneous estimates. Now 20,000,000*l.* are required for the same objects. I do not believe that the enormous income settled on her by this Civil List is desired by her Majesty — no, it is only demanded for her by her Ministers; and I therefore complain, on the part of her Majesty, —

whose comfort and dignity I am the last man in the world to abridge, and whose hold on the respect and affections of her subjects I am anxious to confirm, and not to weaken,—that her Ministers are endeavouring to fix upon her the obloquy of supporting an immense load of abuses and sinecures in which she has not a particle of interest. Whatever may be the opinion of the House, I feel that I have done my duty in calling its attention to this subject, and I leave Honourable Gentlemen to answer, hereafter, as they best can, to their constituents, for continuing the Civil List on the scale proposed by Ministers, instead of reducing it, as I have recommended, to a corresponding level with every other public establishment.

Mr. FIELDEN.—I should be the last person to oppose any impediment or obstruction to the grant of a suitable provision for her Majesty; but it is my duty to protest against the vote of such a sum as we are now invited to settle on the Crown. What is the condition of a great proportion of the population of the empire? In Ireland we find no less than 2,300,000 souls who subsist for a great part of the year by begging. Then, let the House look to Scotland—nay, even to England. The hand-loom weavers of both countries, whose wages for the most part have lately been reduced from 3½*d.* to 2½*d.* a-day, are starving. The workmen who supply the most splendid stuffs to ornament the persons of the rich—who furnished the most beautiful fabrics used at the festivities with which the inhabitants of the capital lately welcomed her Majesty, are now in a pitiable state of misery. I have heard a clergyman, in his evidence before the Poor Law Committee, declare that the labourers in his neighbourhood were reduced to live on bread and water. Now, when we see the mass of the working classes suffering such privations, I think, with the Honourable Member for Kilkenny, that they have a right to complain that the Queen's advisers have not acquainted her Majesty with the real condition of her subjects. Sure I am, that had her Majesty been apprised of these melancholy facts, she would not have accepted the grant tendered without first requiring at the hands of Ministers a redress of her people's grievances.

The motion was then agreed to, and the Bill ordered to be read a third time on Monday.

DUCHESS OF KENT'S ANNUITY BILL.

The CHANCELLOR of the EXCHEQUER having moved the Order of the Day for the House resolving itself into a committee of the whole House,—

Mr. GOULBURN said:—I believe this is the proper time to state my objections to the further progress of this Bill, without a committee of the whole House to reconsider the resolutions on which it is founded. These objections do not arise from any wish to throw an obstacle in the way of making an adequate provision for her Royal Highness the Duchess of Kent; but the point I have in view, and which I am anxious to impress on the House, is, that in all money Bills we should be careful not to depart from the line of precedent on this subject, which guards the public against improper conduct on the part either of individual Members, or of the Government of the country. The principle on which the House has acted with respect to money grants is, that no grant can be made until it shall have been considered by a committee of the whole House. That principle stands on a just ground, because it affords ample opportunity of previous discussion. A second principle, immediately arising out of the first, is, that after a money Bill has been brought in, the House has no power of augmenting the sum previously fixed; otherwise the intention of the original rule, which was to secure the fullest discussion of the grant in the committee, might be defeated. Bearing in mind these principles, and looking at the printed Bill, Honourable Gentleman will see that it directly violates the rules and orders of the House. The resolution of the House, on a previous evening, was, that her Majesty be enabled to grant an additional sum, not exceeding 8000*l.*, out of the Consolidated Fund, as a more adequate provision for her Royal Highness the Duchess of Kent. On looking to the Bill to see how that resolution is to be carried into effect, I find that her Majesty is to be empowered to grant, by letters patent, to her Royal Highness, for the term of her natural life, an annual payment or annuity of 30,000*l.* Now, it is obvious to any one, that on the face of the Bill no connection can possibly be discovered between the grant of 30,000*l.* in the body of the Bill, and the vote in committee of supply of 8000*l.*

The CHANCELLOR of the EXCHEQUER. — The words are, "the additional yearly sum."

Mr. GOULBURN. — Yes; but those are not the terms in which the vote ought to have been made. The House will bear in mind the second principle I have stated, that there is to be no augmentation of the sum fixed in the preliminary resolution. Even admitting the whole force of the word "additional," on which the Chancellor of the Exchequer appears to insist, I am prepared to show that there is in the 30,000*l.* an additional grant, for which no provision has ever been made by Parliament. The Duchess of Kent's income consisted of three sums, granted by separate Acts of Parliament; — one of 6000*l.*, settled on her Royal Highness for life at the period of her marriage. The next was a sum of 6000*l.*, given by an Act passed in 1825, to enable the Duchess of Kent to provide for the support and education of the Princess Victoria. That sum is in no way extended beyond that purpose, nor is there a word to imply that it was granted to the Duchess of Kent, for life. There is not a word to intimate that it was granted for the life of the Princess Victoria, but it is expressly stated that it was given for her support and education. Let the House construe the Act, therefore, as they will, the grant cannot be extended beyond the life of the Princess. I believe that when the Princess Victoria became Queen, this annuity necessarily ceased. My opinion is, that the Act was limited to the period during which the Princess Victoria required support and education, and that, when the necessity expired, the grant dropped; and, I confess, I heard with some surprise, that the Chancellor of the Exchequer thought we were authorised to issue money under that Act since the elevation of the Princess Victoria to the throne. I will take the principle in a more extended sense, and maintain, what cannot be denied, that a grant made for the support and education of the Princess Victoria could not enure after she had expired; and if it be contended that the grant was given for the life of the princess, — whenever she died we should have been bound, necessarily, to put an end to it. Even if the first position I have laid down be controverted, no one can deny that the death of the Queen would terminate the grant altogether. I think my Right Honourable Friend the Chancellor of the Exchequer will admit that.

The CHANCELLOR of the EXCHEQUER. — Oh no! I do not; and I will presently state to my Right Honourable Friend why I do not.

Mr. GOULBURN. — I should like to hear by what argument the Right Honourable Gentleman will maintain that her Royal Highness the Duchess of Kent would be entitled to the grant after the death of the Queen; but if we have a right to put an end to it, as I will assume for argument's sake, on the death of her Majesty, the matter reduces itself to this — that the Duchess of Kent has an annuity granted to her during the life of the Princess Victoria. I beg the House will follow me in my argument upon this point, for I fear I have not made myself very intelligible. This Bill proposes to give 30,000*l.* to the Duchess of Kent for life; but I am told that 8000*l.* additional is all that the resolution authorises, and, as Ministers state it to be so, the Bill ought to have been drawn to grant 8000*l.* in addition to the provision previously made for her Royal Highness by Act of Parliament. That will be conformable to the manner in which votes are made in committee of supply; but here we are giving by this Bill a grant of 30,000*l.* for life. I have shown by reference to the statute, that the grant of 6000*l.*, made in 1825, was for the life of the Princess Victoria. Taking that statute in its most extended sense, 6000*l.* granted for the life of the Queen cannot be taken as an annuity granted to the Duchess of Kent during her own life; and although the probability is, that the Queen will survive her Royal Highness, yet an annuity granted to an individual for life is far more valuable than an annuity granted to one individual for the life of another; and although it is probable that an annuity granted to the Duchess of Kent for her own life would not have a duration so long as an annuity granted to her for the life of the Princess Victoria, yet it would be more valuable to her Royal Highness if granted for her own lifetime. Thus the grant made in the Bill is more valuable than that stated in the resolution, and is, therefore, a violation of the rules of the House. But, if I am right on the other point, and the grant was given merely for the support of the Princess Victoria during her education, then, I say, I have made out a case to show that the 6000*l.*, now granted, ought to have been granted in committee of supply, before it was introduced into the Bill. I will not apply the argument to another 6000*l.* set apart by a subsequent Act for the same purpose, and now granted under the same circumstances, respecting which I take the same view. If the tenure upon which an annuity is first granted be rendered more valuable than it at first was, the grant is, in fact, actually larger than that which has at first been voted by the committee. I have felt it my duty to bring this question before the House, for if the Bill had passed in its present shape, a precedent would have been created for all succeeding Governments to vary the amount of grants of the public money from the sum voted in committee. This practice has not been followed under former reigns, for when the tenure upon which annuities were granted to royal princes was changed, the resolutions of the committee distinctly stated the real nature of the grant to be conferred. All that I now ask is, either that this Bill should, like former Bills of the same kind, follow the terms of the resolution of the committee of supply, or that a resolution should be come to in committee, expressly granting to her Royal Highness the Duchess of Kent 30,000*l.* per annum for life, in lieu of all allowances now given by Acts of Parliament. I therefore think the proper course will be, to move a committee of the whole House for the purpose of making a grant to her Royal Highness the Duchess of Kent.

The CHANCELLOR of the EXCHEQUER. — Sir, my Right Honourable Friend, in bringing the subject before the House, has done what was precisely his duty, and I personally thank him for directing the attention of the House to it. If the Right Honourable Gentleman be correct in his reasoning, or in the inferences he draws from the Act to which he has referred, the Bill on the table of the House is, undoubtedly, not conform- to the resolutions with which it is our duty to take care that it shall be entirely coincident. I wish, however, to remind the House, that, even if the arguments of the Right Honourable Gentleman were correct, there can have been no mystification on my part. I originally informed the House, that the income of the Duchess of Kent was 22,000*l.*, and that I proposed to make it 30,000*l.*; therefore, there can be no charge of bad faith on my part, nor have I understood the Right Honourable Gentleman to cast any imputation on the Government. I know there is a difficulty in procuring the attention of the House to such a subject; but as the facts lie in a small compass, I shall not feel it necessary to occupy their attention for any length of time. As my Right Honourable Friend has stated, the Duchess of Kent holds her income under three Acts of Parliament, the first of which, called the Jointure Act, it is not necessary to take into consideration. The preamble of the Act of 1825 stated, that its object was to provide for the more honourable support and education of the Princess Victoria. In the enacting part of the statute, however, no mention was made of the Princess Victoria; the grant was made to the Duchess of Kent, though it is true there were no words in the Act giving it to her Royal Highness for life. The third Act of 1831, which was to provide for the better support of her Royal Highness the Duchess of Kent, and for the better support and education of the Princess Victoria, granted an annuity to the Duchess of Kent of 10,000*l.*, stating, at the same time, that 4000*l.* was for her own life, and 6000*l.* for the life of the present Queen, then Princess Victoria. With respect, then, to the grant of 4000*l.*, that sum must be regarded as an increase to the Duchess of Kent's jointure. The only remaining question that can arise regards the annuity of 6000*l.* granted to her Royal Highness in 1831, for the life of the present Queen, and the grant made in 1825. I believe, however, the House will agree with me, that there are no real difficulties respecting either of these grants. With respect to the grant of 6000*l.* made in 1831, to which I would first address myself, there cannot be a possibility of doubt, I think, that it enured during the lifetime of the Queen. The Act declares that the annuity shall subsist from the time of the grant, and during the life of the Queen. Now, if it be a principle of law that in doubtful enactments the intention of the Legislature is to be arrived at by the preamble of the Bill, the preamble of the Act will show that such was their intention in this case. But there is nothing at all doubtful in the wording of the Act itself, which declares that the annuity is to commence from the time of the grant to enure for her Majesty's life, and to be payable to the Duchess of Kent. It appears to me that any other construction would be in direct contradiction to the words of the statute itself. The question is, simply, — is the Queen living, or not? If she be living, so is this annuity, which is granted by letters patent, according to the terms of the Act of Parliament. I hold, then, on every principle, that so long as her Majesty continues to exist, this is a subsisting annuity. I will take the liberty of referring the House to a precedent, which I consider has a most important bearing on this question, namely, the annuity granted by statute to the Duke and Duchess

Clarence for their lives. The Duke and Duchess of Clarence ceased to exist, in that capacity, when they attained the throne. But did their annuity cease? Certainly not; it was granted to them during their lives; and it was afterwards surrendered by a special act of the Sovereign himself, Parliament having granted him a better provision. I say, then, if you can put such a construction upon the words of this Act as to say that the annuity granted for the life of the Princess Victoria is to cease now she has become Queen of England, the annuities granted to the Duke and Duchess of Clarence ought to have ceased in like manner, when they became King and Queen of England. I have stated my construction of the statute of 1831. I know that does not prove the case of the statute of 1825, because it is not in that instance stated that the annuity is for a separate life. But I should say, also, that the letters patent are granted in the same terms as the Act. If there had been in the statute of 1825, which granted this annuity to the Duchess of Kent, the words "for her life," as there were in the statute of 1831, which granted the Duke and Duchess of Clarence's annuity, no doubt could have been entertained as to the construction. But, although these words do not appear, are they not, I would ask, as fully implied as though they had been actually inserted? An Act of Parliament is passed, granting an annuity to the Duchess of Kent,—and if it do not imply that such annuity shall continue during her life, I want to know what other construction can be put upon it? Does it mean during the pleasure of the Crown? Would it be consistent to make this Act of Parliament operative, only, during the pleasure of the Crown? Suppose a person were to grant to another an annuity of 1000*l.* a-year; would it not be considered as granted for life?

I am glad to see the Right Honourable and Learned Gentleman opposite (Sir E. Sugden) taking notes, as we shall have the advantage of the Right Honourable Gentleman's legal knowledge on this question. I cannot see any ground for doubting that this was a grant for life. If it were regarded as a grant during pleasure, that construction would defeat the intention of the statute. Is it, on the other hand, to be taken as a grant for the education of an individual, to cease when that education is completed? If we give it that construction, it is an annuity with no certain termination; for who is to say when education ceases? Between subject and subject there is nothing more common than to allow to the wife 1000*l.* a-year, or any other sum, for the support of the younger children of the marriage. If any or all of the children die, yet no one doubts that the mother is entitled to receive the same amount as if they had lived. I know that grants made by the Crown are construed differently from settlements made from subject to subject. Amongst subjects every thing is construed in favour of the grantee: such, I believe, is the legal practice in such cases; whereas, as to the Crown it is construed most favourably to the grantor. I have gone through these various topics as shortly as I could. I trust I have satisfied the House that there is no question about the Act of 1813; neither can there be any doubt as to the meaning of the Act of 1831; and with respect to the Act of 1825, if the grant be not for the life of the Queen, we put a construction upon the terms of the statute directly contrary to that which in all other cases would be considered the fair acceptation. I assure that Right Honourable and Learned Gentleman (Sir E. Sugden) I am most anxious to have his opinion; for while I endeavour to show that the present course has not been adopted by me without sufficient reason for following it, I am most desirous, where a question of the privileges of Parliament is concerned, that no other course should be taken than that which is the most wise, the most fitting, and the most proper; and if it be proved to me that another form of proceeding ought to be followed, I will most willingly adopt the suggestion. All I now seek for is, to show that I have not acted without reasonable grounds for the present proceeding.

LORD JOHN RUSSELL.—I wish to say a few words before the Right Honourable and Learned Gentleman opposite addresses himself to the question. Two points are involved in this question;—one regarding the amount now received by the Duchess of Kent under various Acts, and the amount to be allowed to her by this Bill; the other point raised by the Right Honourable Gentleman opposite (Mr. Goulburn) relates to the forms of the House, and the mode of proceeding which should be adopted, in order to make this Bill conformable to precedents. As to the first question, I think my Right Honourable Friend's argument fully sufficient to dispose of it. But, with regard to the other point,—whether or not the Bill is conformable to the resolutions of the Committee, I do think, after the statement of the Right Honourable Gentleman, that there may be considerable doubt on it; and I shall be happy to hear the Right Honourable and Learned Gentleman, opposite, address himself to both parts of the question; for I agree that, in the present proceedings, it would be as well to leave no doubt on the subject, but that we should act in precise conformity with former precedents.

SIR E. SUGDEN.—I have to congratulate the House on the manner in which this subject has been discussed; and I assure her Majesty's Government that there is no intention on this side to throw any difficulty in the way of the grant. It will be recollected that, when the Right Honourable the Chancellor of the Exchequer proposed his resolution for the additional 8000*l*., I suggested to him the propriety of taking a vote for the 30,000*l*.,—the amount including all former grants which it was intended to give to the Duchess of Kent,—in order to avoid any objections of this sort, and not from any feeling of opposition. The Right Honourable Gentleman, however, declined to do so, and took his resolution for the 8000*l*. I do not blame the Right Honourable Gentleman for not having adopted my suggestion, as he acted on legal advice; but I offer this explanation to the House to show that my object was not to raise an impediment, but to prevent any inconvenience which might arise from its being afterwards found necessary to go into committee again. I will now come to the question at issue. The Right Honourable Gentleman cannot complain of his want of legal knowledge, for he has discussed this subject with an ability that few of the legal profession could excel. There are three questions immediately under discussion;—two arising from Acts of Parliament, and the third having reference to the forms of the House. There can be no doubt as regards the two annuities of 6000*l*. and 4000*l*.: that they were granted for the life of the Duchess of Kent, cannot be disputed. By the resolution that we have passed, her Royal Highness is entitled also to 8000*l*. a-year, in addition; she is, therefore, undoubtedly entitled to 18,000*l*. a-year. The only question, then, is with respect to an additional 12,000*l*., necessary to make up the total sum of 30,000*l*. Now, first, as to the Act of 1825. The Right Honourable Gentleman contends that both in the preamble of the Bill, as well as in the title, there are words that show it is for the support and education of the princess, and though it is not there stated, he says that it was an annuity granted by the Crown to the Duchess of Kent, and must be considered to enure for the life of the Queen. The Right Honourable Gentleman has put the case of a certain sum being granted to a married woman, for the benefit of herself and her children; and says, that although the latter may die, yet still the mother would be entitled to the sum allocated for their joint benefit.

Now, no one can doubt that, as a general rule, it is so; but this case stands on totally different grounds. If a man leave his wife 5000*l*. a-year for her own support, and the education of her children, it is implied that she is to bring up the children as long as they require her care; but it can never be supposed that the annuity is intended to cease on the death of the latter; and I will state to the House my opinion on the construction of the Act of 1825,—not as an individual sitting on the Opposition benches, but with as much sincerity as if I were speaking to a private friend. The rule of law is, when there is obscurity in the words of an Act, that we look to the preamble; but it is not so here. The title of the Act of 1825 agrees with the preamble, which describes it as an Act to provide an annuity for the maintenance and education of the Princess Victoria. It was not granted, as the Right Honourable the Chancellor of the Exchequer has put it, as in the case of a settlement upon a wife for bringing up her children, but expressly for the support and education of the princess. Then comes the enactment; and, as there is an ambiguity in it, we are entitled to look at the preamble to clear away doubt, and ascertain what was the real intention of the Act. Now, as a lawyer, taking into consideration the preamble with the enacting part, and putting a fair and not a rigid construction on the Act, I hold, that the intention was—to provide an annual sum to the Duchess of Kent, for the support and education of the princess. During what time? Why, of necessity, as long as the princess required support and education. Had it been the intention to grant this annuity for life, it would have been stated; but, in my opinion, in point of equity and law, the necessity for which the grant was made having now ceased, the annuity of 6000*l*. no longer exists. Now, the other question, that of the annuity of 10,000*l*. under the Act of 1831, is of a different nature—is a widely different Act from the one passed in 1831. The annuity might have been wanted beyond the minority of the princess, and, therefore, the Act of 1825 was drawn up in general and ambiguous terms, to provide for any contingencies. But when the Legislature intended that a grant should be made for the life of the Duchess of Kent, it well understood how to carry its purpose into effect; and therefore, in the Act of 1831, the grant was expressly stated to be for her own life. The preamble of that Bill was to provide for "the better support of her Royal Highness the Duchess of Kent, and the honourable support and education of the princess." That Act empowered Parliament to grant an annuity of 10,000*l.*; 4000*l.* a-year was given to the duchess for her own support, and therefore for her own life; the 6000*l.* was confined to the life of the princess, having been provided for her education, and was not given to the duchess in her own right.

I do not agree with the Right Honourable Gentleman, that the annuity is to enure for the life of the princess. If that be the case, it will be necessary to go into a committee of the whole House. Now, I am satisfied that, under any circumstances, that grant cannot be continued beyond the life of the duchess. Nothing is said in it about executors or administrators; and, if it were intended as a personal gift, it cannot by law descend to personal representatives. Another question arises from the Act of 1831. Is the Duchess of Kent entitled to the annuity of 6000*l.* during her own life, in the event that has happened? I think certainly not, either in law or equity. That sum was given for the education of the princess, and when that object is rendered unnecessary, that grant should cease. The grant to the Duke of Clarence is not a parallel case; it was given to him for his natural life, and no change of station could have terminated it; although, in fact, it was surrendered on his Royal Highness's accession to the throne of these realms.

The next question is, how this proceeding will be affected by the resolutions of the House. And, upon this point the Noble Lord the Secretary for the Home Department has requested my opinion. It will not be denied that a grant made to the Duchess of Kent for her own life, cannot be affected by any circumstances. But, admitting the Right Honourable the Chancellor of the Exchequer to be correct in his opinion, that the second Act gave to the Duchess of Kent the annuity during the life of the Princess Victoria, it is perfectly clear that the House must resolve itself into a committee of the whole House in order to make a new grant. It matters not which life is the more valuable. I put it this way. You ose to put in a life worth only one purchase, for a life you wish to take out worth forty years' purchase. I contend that we cannot substitute the life of one year for the one of forty years, notwithstanding the great difference in value, inasmuch as it is a distinct and different grant; you must, therefore, come to the House for another resolution, to enable you to transfer this annuity, which had been granted for the life of the Queen, to the Duchess of Kent. I submit that, in point of law, and certainly in point of equity, and according to a fair construction of the words of the Act of Parliament, the annuity of 12,000*l.* does not exist for the purposes of the Duchess of Kent's expenditure.

It appears to me highly necessary, that we should be correct in our proceedings in the present case, as well in order that the country may fully understand the nature of the proposed grant, as to prevent any inconvenience hereafter. There is no dispute as to the terms of the Act of 1831, so far as that the 4000*l.* was granted to the Duchess of Kent for her life, and the 6000*l.* to the Duchess of Kent to provide for the honourable support and education of her Royal Daughter. The 6000*l.* grant was for the life, not of the Duchess of Kent, but of the Princess Victoria. The question that arises, then, is, whether from the altered condition of the princess Victoria, she being now the Sovereign of these realms, the annuity of 6000*l.* is still in force? The Right Honourable the Chancellor of the Exchequer contends, that it enures for the life of her Majesty, even after the death of the Duchess of Kent. Now, notwithstanding the authority upon which that opinion has been given, I cannot acquiesce in its correctness. If it were so, the 6000*l.*, being granted expressly to the Duchess of Kent for the purposes named in the Act, there can be no doubt that her Royal Highness might, at her death, make choice of any person to act as her executor to the trust of the education of the princess, and allocate to that person, even supposing he resided in a foreign country, the 6000*l.* a-year granted by Parliament for a specific purpose. I am, however, of a contrary opinion. I hold that this annuity of 6000*l.* does not enure beyond the life of the Duchess of Kent. The Act grants the annuity to the Duchess of Kent for the objects specified, but says not one word about executors or administrators. I say, then, that upon the duchess dying, there is an end to all claim on account of such an object. Parliament might continue the grant of 6000*l.* for the honour and support of the Princess, but it would name the person to whom it granted the annuity.

Take the opposite view of the question. Suppose a mere stranger appointed as executor to the Duchess of Kent. He might, perhaps, after her decease, apply the annuity, not to the support of the princess, but to the payment of the Duchess of Kent's debts, and thus the intentions of the Act of Parliament would be defeated. Then, Sir, as regards the question, whether the Duchess is entitled to this annuity of 6000*l.* under the circumstances in which her Royal Daughter is now placed, I think, by the terms of the Act of Parliament, she is not, — certainly, she is not in equity. But, as it is the general feeling of the House, and of none more than myself, that her Royal Highness should enjoy the whole 30,000*l.* per annum, as some mark of the nation's gratitude for her careful education of her Illustrious Daughter, and for fitting the Princess to fill the high office of Sovereign of this country, without offering any further observations, or the least objection to the grant, I merely suggest that a committee of the whole House should take the question into consideration, for the purpose of making our proceedings conformable to precedent.

The Right Honourable Gentleman will, I trust, do me the credit of believing that I throw out this suggestion, not for the purpose of retarding the progress of the proposition he has submitted, or of embarrassing the Government, in the slightest degree, but rather to assist them, and to prevent any future inconvenience.

The CHANCELLOR of the EXCHEQUER. — I am extremely glad of the proposal made by the Right Honourable and Learned Gentleman opposite, and, without going further, I must say, the course laid down by him will relieve the House from the danger of misapprehension in a matter of such importance. I will, therefore, adopt the course suggested by the Right Honourable and Learned Gentleman, and will move that the House do resolve itself into a committee of the whole House, in order to pass a resolution which shall be in conformity with its rules. If the Right Honourable and Learned Gentleman sees no objection, I will, in order to give effect to his suggestion, fix the committee on the Bill for a future day.

Committee was then deferred till Monday next.

DUCHESS OF KENT'S ANNUITIES.

On the motion of the CHANCELLOR of the EXCHEQUER, Queen's Message (11th of December) read.

Resolved, "That this House will immediately resolve itself into a committee, to consider further the said Message. Acts (58 Geo. III. c. 53., 6 Geo. IV. c. 72., 1 & 2 Will. IV. c. 20.) read and referred.

The House then resolved itself into a committee.

Resolution proposed, "That the several annuities granted to her Royal Highness the Duchess of Kent, in pursuance of several Acts of the 58th year of King George III., the 6th year of King George IV., and the 1st and 2d year of his late Majesty King William IV., shall cease and determine at such time as may be fixed by any Act to be passed in the present Session of Parliament; and that, in lieu thereof, her Majesty be empowered to grant, out of the consolidated fund of the United Kingdom of Great Britain and Ireland, a clear yearly sum of 22,000*l.* to her said Royal Highness for her life, which sum, in addition to the yearly sum of 8000*l.* already agreed to be granted in the present Session, amounts to the clear yearly sum of 30,000*l.*, for the life of her said Royal Highness.

COLONEL SIBTHORP. — I have a motion to bring forward, of which I have given notice; but at the suggestion of my Right Honourable Friend near me I will not now detain the House, hoping that another opportunity will be afforded me for the purpose.

SIR G. SINCLAIR. — I will follow the example of my Honourable and Gallant Friend; at the same time I must observe, that the discussion that has taken place will be productive of great advantage.

The resolution agreed to; to be reported on Monday next.

HOUSES OF PARLIAMENT BILL.

Considered in committee, and reported with an amendment. Amendment agreed to; Bill to be read a third time on Monday next.

JURIES AT SESSIONS BILL.—PRISONERS (IRELAND) BILL.

Read a second time, and committed for Monday next.

LAW OF TENANCIES.

Mr. AGLIONBY. — Not seeing the Attorney General in his place, I shall postpone the motion of which I have given notice, respecting the present state of the law of landlord and tenant, to Monday.

PONTEFRACT ELECTION.

Mr. AGLIONBY. — I rise to present a petition, which has just been put into my hand, from James Coppock, praying for reconsideration of the order of yesterday for enlarging the time for entering into recognisances. I have shown the petition to the gentleman who brought the matter forward on the part of Mr. Gompetz; and as I mean to move, on Monday, that the order be rescinded, I shall now move that the petition be printed. The petition states, that the petitioner having seen the debate of last night, has since ascertained that the witness, Mr. Moss, who represented himself as the parliamentary agent of Mr. Gompertz, neither was nor ever had been so; the real parliamentary agent is a Mr. Florence. As I think it hardly fair that the sitting Member should be prejudiced by an *ex parte* statement, I therefore move that this petition be taken into consideration on Monday next, and that it be printed.

Mr. FRESHFIELD. — It ought to be borne in mind that Mr. Moss stated, in his evidence, last night, that he was parliamentary agent in conjunction with Mr. Florence.

The motion was then agreed to.

RETURNS, &c.

Public Works (Ireland). — Returns presented of all applications to the Lord Lieutenant for public works, under 1 Victoria, c. 21. (ordered the 24th of November). — To lie on the Table.

POOR LAW UNION, SUNDERLAND.

Copy presented of correspondence between the Secretary of State for the Home Department and the Board of Guardians for the Sunderland Union (Address the 12th of December.) — To lie on the Table.

Adjourned at a quarter after two o'clock.

HOUSE OF LORDS, LUNÆ, 18° DIE DECEMBRII, 1837.

APPEALS.

Sheehy v. Lord Muskerry. — Further and fully heard, and consideration adjourned *sine die*.

Hamilton v. Dunn. — In part heard, and adjourned till to-morrow.

Earl of Belfast v. Marquess of Donegall. — Petition of certain of the Respondents for leave to lodge cases.

Earl of Belfast v. Marquess of Donegall. — Petition of certain of the respondents for further time to lodge cases.

Read, and referred to the Appeal Committee.

Abernethie v. Forbes or Gordon. — Set down for hearing *ex parte*.

Gray v. Forbes. — Petition of the Appellant for further time to lodge cases, provided the competency of the Appeal is sustained.

E. J. M. M'Gregor v. Browne. — Petition of the Appellant for an early day for hearing, the Respondent's agent consenting thereto. — Read and referred to the Appeal Committee.

EARL OF CLANCARTY'S CLAIM TO VOTE FOR REPRESENTATIVE PEERS FOR IRELAND.

Committee for Privileges met; witnesses examined; and Committee adjourned.

Committee for privileges to meet to-morrow.

The Annual Report of the Ecclesiastical Commissioners of Ireland to the Lord Lieutenant, dated 14th of August, 1837.— Delivered (pursuant to an Address of Monday last), and to be printed.

POST OFFICE.

LORD BROUGHAM. — I am sorry not to observe my Noble Friend the Postmaster General in his place, particularly as I have given notice of the petitions I am now about to present. I am, however, under the necessity of presenting, at any rate, one of them without further delay; and that is a petition from that most respectable and important body the corporation of the city of London in Common Council assembled; and they certainly are, of any class of her Majesty's subjects, the most likely persons to be regarded as having a right to deal with the important subject of the Post Office. No persons have a deeper interest in the good regulation of that great establishment, than the citizens of this great city, whom the petitioners represent; and no part of her Majesty's dominions ought to demand greater attention to the opinion which is here entertained on this subject, than the city of London. The corporation of that city have deemed it their duty to take this matter into consideration, and after giving it their best attention, they have adopted the present petition. They state that cheapness and celerity in the conveyance of letters will tend, in a very great degree, to the advancement of the commerce, manufactures, and agriculture of this country, and are also highly important for the collection and diffusion of information, by which the education of the people will be greatly accelerated, as well as friendly intercourse forwarded. The mercantile classes of the city of London have turned their attention to this subject — they have gone very fully into the details — they have themselves very extensive experience on the question — they have the capacity beyond most men of examining the particulars and principles of any system which may be adopted for its improvement; therefore their opinion is entitled to operate by way of testimony in reference to any plan; and they give it in favour of Mr. Rowland Hill's. They do not specify that plan in particular in its details as the one to which they give their approval, or which they call upon the Legislature to adopt; but it is clearly to that plan they point, because they apply themselves to the Ninth Report of the Commissioners upon the Post Office Inquiry, and pray particularly for the adoption of that recommendation which is to try the plan, by the twopenny post.

I am very happy to observe that my Noble Friend (the Earl of Lichfield) is now in his place. Having stated so much, I need hardly remind your Lordships that upon such a subject there is no authority so high as that of the trading community; and connected with this question, there is, perhaps, no person of higher authority among mercantile men than a Noble Friend of mine, and a Member of your Lordships' House (Lord Ashburton), who has more than once called your Lordships' attention to this matter. Without precisely pledging himself to the whole of this measure, my Noble Friend has come to the opinion that the conveyance of letters is not of itself, and in itself, in its own nature, due regard being had to the convenience of the public, a proper subject of taxation for the purposes of revenue. That, no doubt, the difficulty may be great of retracing our steps, after having for so long a period made it the subject of taxation, my Noble Friend does not deny, nor do I; but if it be a question whether a great mercantile country ought to make the postage or conveyance of letters a subject of revenue or a matter of taxation—if such a proposition be made, I think the answer of my Noble Friend would be in the negative, as well as the answer which I myself would give. I venture to appeal to your Lordships, who have heard this subject discussed in this place more than once. I will now take it that even after a larger revenue has grown up upon wrong principles, by raising money for the public service by taxing the communications by post,—I will take it that even after so large a revenue as a million and a half has been collected and received, even if the alteration were attended with a very considerable present diminution of that income — even if it tended generally to lower that revenue — it would, in the end, not only compensate itself, and raise the revenue to its former pitch, but would even greatly increase that revenue. Such is the proposition which, as soon as the question comes before your Lordships in a more fit shape to decide, I for one am prepared to maintain. I will not merely allude to the reduction of postage alone for the purpose of raising my argument. I do not refer to the taking off of the 12½*d.*, as some contend for, — the 9*d.*, as others think will be necessary, — or the 6*d.*, which others, again, make their calculation from; — I will go at once to the taking off the whole — of going at once to the one penny per ounce or half ounce, which the proposition of Mr. Hill. I do not mean to assert that such a diminution of the postage would so largely increase the number of letters as to bring up the gross revenue to its present amount. I will go farther. I look forward to the great boon which it would confer upon the whole mercantile world in this country — the vast increase which it would give to the great trading interests of the country, by which the revenue in every branch must be greatly and wonderfully increased.

I rejoice at the presence of my Noble Friend the Postmaster General, because I wish much to tell him that he has failed to satisfy my mind that the plan suggested by Mr. Hill is so totally impracticable as he has stated it to be. I conceive that the whole of my Noble Friend's calculation is founded upon a statement that the total number of letters, now, is between 42,000,000 and 43,000,000. Now, any person hearing that statement made, would suppose that it was, in point of fact, founded on positive data — that my Noble Friend had reasoned on such data, when he urged his opinion against what are called the speculative calculations and estimates of the author of the new plan. I did not rightly understand my Noble Friend, whether, in his calculations, he included the twopenny and threepenny post, or confined himself exclusively to the general post? Mr. Hill, and the authorities of the Post Office, are at direct issue. It is a matter of estimate and calculation upon both sides. That is the very point in dispute between the two parties. Mr. Hill calculates the letters going through the Post Office at seventy-nine millions and a half — in round numbers, eighty millions. Here they are at direct issue in their assumptions. I believe it is a fact beyond dispute, that twenty-two millions and a half pass through the Post Office in London in a year. Ten millions of those go through the general post, while twelve millions and a half go through the twopenny or threepenny. In the calculations, therefore, we are to deduct the ten millions from the twenty-two millions and a half. My Noble Friend has taken those ten millions, and makes his calculation for the whole country. He finds these yield 460,000*l.*, and then he finds the whole of the general post letters for the United Kingdom yield about four times that sum. This proceeds on the assumption that the average value of the country letters to the revenue is precisely the same as the average value of the letters in the London district; the average of each letter in the London district is calculated at 1*s.* 0½*d.* Every one knows that the amount of postage in London is larger than in the country, because the London letters include large packages of foreign letters, which go to swell the amount of the postage received, and to increase the average value of the letters, and may raise it to 1*s.* 0½*d.* in the London district. But in the country districts there are no such circumstances, because very few foreign packages are sent into the country. I happen to have the means of knowing what the amount is for one town, in a midland county, a quarter of a million of letters passing through that town in a year, and I believe the average value of those letters is not 1*s.* 0½*d.*, but 7½*d.* or 8*d.*, —certainly not more than 9*d.* That makes a material difference. With regard to Mr. Hill's plan, it is not correct to state that it affords no provision for any increased expense in the Post Office department, in consequence of the increased number of letters, and the amount of business to be attended to; the reverse is the fact, because he allows 225,000*l.*, for the additional expense of working his plan.

I will state now, as I have stated to a former Postmaster General, that an ignorant and humble individual, like myself, ought to be very careful how he comes into contact with the authorities of any department under Government. No doubt, great weight is due to their opinions, and great authority is necessarily ascribed to their statements. Very ample drafts are made on, I cannot say the credulity, but credit of Parliament, when nothing is said to impeach their authority, by statements that individuals know nothing of the matter, — that those who are beyond the walls of the establishment can have little information, and their alarms are expressed at any change in a department which yields a great proportion of the revenue. Great praise is bestowed on those who are connected with that department; and, perhaps, it may be well earned by those who are acting under what I take to be a wrong system; but that is not their fault. I have been very much put to it to find out how it is all those praises of that establishment, which we have heard of late occasions, are bestowed, — and that those, I will not say, vituperations, but somewhat contemptuous expressions, of all who are beyond it, have been indulged in.

The impracticability is another grand objection to this plan; there is nothing new in that objection. Indeed, the word has often been used in this House, and elsewhere, as establishing an insuperable objection to all systems for the improvement of the Post Office. I can refresh the memory of your Lordships, by referring to the places and occasions when this word has been used as reasonably and quite as positively as it is now employed. Your Lordships will recollect, that in the year 1784, a gentleman, named Palmer, recommended the adoption of a system of mail coach carriages, when, at that time, the mails were carried at the rate of three miles and a half an hour. Mr. Palmer was of opinion that they could be carried at the rate of seven miles an hour, if not more. Do not your Lordships recollect the alarm which the announcement of this proposition spread through every department of the Post Office? Do you recollect the indignation, the absolute contempt, — the scornful contempt with which it was received by all the officials of the Post Office? A contempt equalled only by the loud chorus of applause which they rung in the ears of Parliament in praise of every one man, every one rule, every one regulation in any way connected with any one department of that most perfect establishment, the Post Office of 1784, with its safe, sure, and steady mails of three miles and a half an hour!

The committee of the House of Commons, in its Report upon this subject, in 1797, declared, that "the more we consider the plans of Mr. Palmer, the more are we convinced of the insuperable difficulty in attempting to bring them into operation. The officers of the Post Office, whom we regard as the best judges of the question, have been examined before us, and are unanimously of opinion that the thing is totally impracticable." Another committee, reporting on the same subject, said, "We have examined the oldest and ablest officers of the Post Office" (it was always the oldest and ablest, for the committees considered the term synonymous), "and the oldest and ablest officers have no confidence whatever in the plan." Indeed, in looking over these Reports I find that it was always the "oldest and ablest" who had the greatest contempt for improvement, and that the older an officer was the greater contempt he had for the officer who was less old than himself. They were all, however, both young and old, positively of opinion that the plan of Mr. Palmer was not only impracticable, but dangerous to commerce and finance. It is frightful for your Lordships to think of the dangers which the commerce and finance of the country have escaped since that period! They have been exposed not only to the dangers of the French war and the orders that recommendation which is to try the plan, by the twopenny post.

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Clarence for their lives. The Duke and Duchess of Clarence ceased to exist, in that capacity, when they attained the throne. But did their annuity cease? Certainly not; it was granted to them during their lives; and it was afterwards surrendered by a special act of the Sovereign himself, Parliament having granted him a better provision. I say, then, if you can put such a construction upon the words of this Act as to say that the annuity granted for the life of the Princess Victoria is to cease now she has become Queen of England, the annuities granted to the Duke and Duchess of Clarence ought to have ceased in like manner, when they became King and Queen of England. I have stated my construction of the statute of 1831. I know that does not prove the case of the statute of 1825, because it is not in that instance stated that the annuity is for a separate life. But I should say, also, that the letters patent are granted in the same terms as the Act. If there had been in the statute of 1825, which granted this annuity to the Duchess of Kent, the words "for her life," as there were in the statute of 1831, which granted the Duke and Duchess of Clarence's annuity, no doubt could have been entertained as to the construction. But, although these words do not appear, are they not, I would ask, as fully implied as though they had been actually inserted? An Act of Parliament is passed, granting an annuity to the Duchess of Kent,—and if it do not imply that such annuity shall continue during her life, I want to know what other construction can be put upon it? Does it mean during the pleasure of the Crown? Would it be consistent to make this Act of Parliament operative, only, during the pleasure of the Crown? Suppose a person were to grant to another an annuity of 1000*l.* a-year; would it not be considered as granted for life?

I am glad to see the Right Honourable and Learned Gentleman opposite (Sir E. Sugden) taking notes, as we shall have the advantage of the Right Honourable Gentleman's legal knowledge on this question. I cannot see any ground for doubting that this was a grant for life. If it were regarded as a grant during pleasure, that construction would defeat the intention of the statute. Is it, on the other hand, to be taken as a grant for the education of an individual, to cease when that education is completed? If we give it that construction, it is an annuity with no certain termination; for who is to say when education ceases? Between subject and subject there is nothing more common than to allow to the wife 1000*l.* a-year, or any other sum, for the support of the younger children of the marriage. If any or all of the children die, yet no one doubts that the mother is entitled to receive the same amount as if they had lived. I know that grants made by the Crown are construed differently from settlements made from subject to subject. Amongst subjects every thing is construed in favour of the grantee: such, I believe, is the legal practice in such cases; whereas, as to the Crown it is construed most favourably to the grantor. I have gone through these various topics as shortly as I could. I trust I have satisfied the House that there is no question about the Act of 1813; neither can there be any doubt as to the meaning of the Act of 1831; and with respect to the Act of 1825, if the grant be not for the life of the Queen, we put a construction upon the terms of the statute directly contrary to that which in all other cases would be considered the fair acceptation. I assure that Right Honourable and Learned Gentleman (Sir E. Sugden) I am most anxious to have his opinion; for while I endeavour to show that the present course has not been adopted by me without sufficient reason for following it, I am most desirous, where a question of the privileges of Parliament is concerned, that no other course should be taken than that which is the most wise, the most fitting, and the most proper; and if it be proved to me that another form of proceeding ought to be followed, I will most willingly adopt the suggestion. All I now seek for is, to show that I have not acted without reasonable grounds for the present proceeding.

LORD JOHN RUSSELL.—I wish to say a few words before the Right Honourable and Learned Gentleman opposite addresses himself to the question. Two points are involved in this question;—one regarding the amount now received by the Duchess of Kent under various Acts, and the amount to be allowed to her by this Bill; the other point raised by the Right Honourable Gentleman opposite (Mr. Goulburn) relates to the forms of the House, and the mode of proceeding which should be adopted, in order to make this Bill conformable to precedents. As to the first question, I think my Right Honourable Friend's argument fully sufficient to dispose of it. But, with regard to the other point,—whether or not the Bill is conformable to the resolutions of the Committee, I do think, after the statement of the Right Honourable Gentleman, that there may be considerable doubt on it; and I shall be happy to hear the Right Honourable and Learned Gentleman, opposite, address himself to both parts of the question; for I agree that, in the present proceedings, it would be as well to leave no doubt on the subject, but that we should act in precise conformity with former precedents.

SIR E. SUGDEN. — I have to congratulate the House on the manner in which this subject has been discussed; and I assure her Majesty's Government that there is no intention on this side to throw any difficulty in the way of the grant. It will be recollected that, when the Right Honourable the Chancellor of the Exchequer proposed his resolution for the additional 8000*l.*, I suggested to him the propriety of taking a vote for the 30,000*l.*, — the amount including all former grants which it was intended to give to the Duchess of Kent,—in order to avoid any objections of this sort, and not from any feeling of opposition. The Right Honourable Gentleman, however, declined to do so, and took his resolution for the 8000*l.* I do not blame the Right Honourable Gentleman for not having adopted my suggestion, as he acted on legal advice; but I offer this explanation to the House to show that my object was not to raise an impediment, but to prevent any inconvenience which might arise from its being afterwards found necessary to go into committee again. I will now come to the question at issue. The Right Honourable Gentleman cannot complain of his want of legal knowledge, for he has discussed this subject with an ability that few of the legal profession could excel. There are three questions immediately under discussion; — two arising from Acts of Parliament, and the third having reference to the forms of the House. There can be no doubt as regards the two annuities of 6000*l.* and 4000*l.*: that they were granted for the life of the Duchess of Kent, cannot be disputed. By the resolution that we have passed, her Royal Highness is entitled also to 8000*l.* a-year, in addition; she is, therefore, undoubtedly entitled to 18,000*l.* a-year. The only question, then, is with respect to an additional 12,000*l.*, necessary to make up the total sum of 30,000*l.* Now, first, as to the Act of 1825. The Right Honourable Gentleman contends that both in the preamble of the Bill, as well as in the title, there are words that show it is for the support and education of the princess, and though it is not there stated, he says that it was an annuity granted by the Crown to the Duchess of Kent, and must be considered to enure for the life of the Queen. The Right Honourable Gentleman has put the case of a certain sum being granted to a married woman, for the benefit of herself and her children; and says, that although the latter may die, yet still the mother would be entitled to the sum allocated for their joint benefit.

Now, no one can doubt that, as a general rule, it is so; but this case stands on totally different grounds. If a man leave his wife 5000*l.* a-year for her own support, and the education of her children, it is implied that she is to bring up the children as long as they require her care; but it can never be supposed that the annuity is intended to cease on the death of the latter; and I will state to the House my opinion on the construction of the Act of 1825,—not as an individual sitting on the Opposition benches, but with as much sincerity as if I were speaking to a private friend. The rule of law is, when there is obscurity in the words of an Act, that we look to the preamble; but it is not so here. The title of the Act of 1825 agrees with the preamble, which describes it as an Act to provide an annuity for the maintenance and education of the Princess Victoria. It was not granted, as the Right Honourable the Chancellor of the Exchequer has put it, as in the case of a settlement upon a wife for bringing up her children, but expressly for the support and education of the princess. Then comes the enactment; and, as there is an ambiguity in it, we are entitled to look at the preamble to clear away doubt, and ascertain what was the real intention of the Act. Now, as a lawyer, taking into consideration the preamble with the enacting part, and putting a fair and not a rigid construction on the Act, I hold, that the intention was — to provide an annual sum to the Duchess of Kent, for the support and education of the princess. During what time? Why, of necessity, as long as the princess required support and education. Had it been the intention to grant this annuity for life, it would have been stated; but, in my opinion, in point of equity and law, the necessity for which the grant was made having now ceased, the annuity of 6000*l.* no longer exists. Now, the other question, that of the annuity of 10,000*l.* under the Act of 1831, is of a different nature — is a widely different Act from the one passed in 1831. The annuity might have been wanted beyond the minority of the princess, and, therefore, the Act of 1825 was drawn up in general and ambiguous terms, to provide for any contingencies. But when the Legislature intended that a grant should be made for the life of the Duchess of Kent, it well understood how to carry its purpose into effect; and therefore, in the Act of 1831, the grant was expressly stated to be for her own life. The preamble of that Bill was to provide for "the better support of her Royal Highness the Duchess of Kent, and the honourable support and education of the princess." That Act empowered Parliament to grant an annuity of 10,000*l.*; 4000*l.* a-year was given to the duchess for her own support, and therefore for her own life; the 6000*l.* was confined to the life of the princess, having been provided for her education, and was not given to the duchess in her own right.

I do not agree with the Right Honourable Gentleman, that the annuity is to enure for the life of the princess. If that be the case, it will be necessary to go into a committee of the whole House. Now, I am satisfied that, under any circumstances, that grant cannot be continued beyond the life of the duchess. Nothing is said in it about executors or administrators; and, if it were intended as a personal gift, it cannot by law descend to personal representatives. Another question arises from the Act of 1831. Is the Duchess of Kent entitled to the annuity of 6000*l.* during her own life, in the event that has happened? I think certainly not, either in law or equity. That sum was given for the education of the princess, and when that object is rendered unnecessary, that grant should cease. The grant to the Duke of Clarence is not a parallel case; it was given to him for his natural life, and no change of station could have terminated it; although, in fact, it was surrendered on his Royal Highness's accession to the throne of these realms.

The next question is, how this proceeding will be affected by the resolutions of the House. And, upon this point the Noble Lord the Secretary for the Home Department has requested my opinion. It will not be denied that a grant made to the Duchess of Kent for her own life, cannot be affected by any circumstances. But, admitting the Right Honourable the Chancellor of the Exchequer to be correct in his opinion, that the second Act gave to the Duchess of Kent the annuity during the life of the Princess Victoria, it is perfectly clear that the House must resolve itself into a committee of the whole House in order to make a new grant. It matters not which life is the more valuable. I put it this way. You propose to put in a life worth only one year's purchase, for a life you wish to take out worth forty years' purchase. I contend that we cannot substitute the life of one year for the one of forty years, notwithstanding the great difference in value, inasmuch as it is a distinct and different grant; you must, therefore, come to the House for another resolution, to enable you to transfer this annuity, which had been granted for the life of the Queen, to the Duchess of Kent. I submit that, in point of law, and certainly in point of equity, and according to a fair construction of the words of the Act of Parliament, the annuity of 12,000*l.* does not exist for the purposes of the Duchess of Kent's expenditure.

It appears to me highly necessary, that we should be correct in our proceedings in the present case, as well in order that the country may fully understand the nature of the proposed grant, as to prevent any inconvenience hereafter. There is no dispute as to the terms of the Act of 1831, so far as that the 4000*l.* was granted to the Duchess of Kent for her life, and the 6000*l.* to the Duchess of Kent to provide for the honourable support and education of her Royal Daughter. The 6000*l.* grant was for the life, not of the Duchess of Kent, but of the Princess Victoria. The question that arises, then, is, whether from the altered condition of the princess Victoria, she being now the Sovereign of these realms, the annuity of 6000*l.* is still in force? The Right Honourable the Chancellor of the Exchequer contends, that it enures for the life of her Majesty, even after the death of the Duchess of Kent. Now, notwithstanding the authority upon which that opinion has been given, I cannot acquiesce in its correctness. If it were so, the 6000*l.*, being granted expressly to the Duchess of Kent for the purposes named in the Act, there can be no doubt that her Royal Highness might, at her death, make choice of any person to act as her executor to the trust of the education of the princess, and allocate to that person, even supposing he resided in a foreign country, the 6000*l.* a-year granted by Parliament for a specific purpose. I am, however, of a contrary opinion. I hold that this annuity of 6000*l.* does not enure beyond the life of the Duchess of Kent. The Act grants the annuity to the Duchess of Kent for the objects specified, but says not one word about executors or administrators. I say, then, that upon the duchess dying, there is an end to all claim on account of such an object. Parliament might continue the grant of 6000*l.* for the honour and support of the Princess, but ostensibly, Christians. And hence the words in the first part of the declaration of the Act of Geo. IV. are, "I declare, on the faith of a Christian," &c. The difficulty which the Quakers, Moravians, and Separatists feel is not any difficulty as to making professions of security to the Established Church, but as to making any declaration which on the face of it is equivalent to an oath. They will not sacrifice the principle, if in place of an oath your Lordships permit persons professedly Christians to make a declaration instead; but if the present amendment be adopted, they will at once abandon the principle. Without stating any decided opinion on this question, I do most strongly object to interposing, by a side wind, so important a change in the municipal government of the country as that advocated by the Noble and Learned Lord. Considering that the most important body, for whose relief it is intended, the Quakers, have to-night, in the petition presented by the Noble Marquess, repudiated the relief proposed by the Bill; considering, also, that one of the other two classes comprised in the preamble, the Separatists, comparatively of recent date, and very inconsiderable in number, are almost wholly confined to Ireland, to which part of the United Kingdom the Bill does not apply; I think it would be much better to postpone the Bill till a later period of the Session. At all events, I trust that the suggestion neither of the Noble and Learned Lord, nor of the Noble Baron, will be adopted by your Lordships.

The MARQUESS of BUTE.—It is with great reluctance that I trouble your Lordships on any occasion, and it is with difficulty I ever offer my opinions in opposition to those of your Lordships with whom I have generally the honour to agree; but differing, as I do, from most of my Friends around me, I do not think it right to give a silent vote on this subject. It is not without much pain, I say, that I do not concur with the Right Reverend Prelate, whose opinions I always view with great respect. He has known me from my youth, and I ever felt the deepest regard for him. I cannot help considering this Bill a bad Bill, and I extremely regret that it has come up to your Lordships' House. I hope it will not be passed in its present state. I certainly think the amendment which has been proposed would be an improvement to it; but I do think it would have been more creditable to Parliament if the same measure had been introduced, on this subject, as was brought forward in 1836. This I think the more necessary, as your Lordships must recollect that the character of the corporations which existed in 1828, when the Test and Corporation Act was repealed, has been entirely changed by the Bill of 1835. I entertain the greatest regard for anything that can exalt the Christian religion, but I deny that the question of the admission of Jews to certain offices in corporations affects its interests.

The MARQUESS of LANSDOWNE.—I feel bound to resist the adoption of my Noble Friend's amendment;—yet not because I think that it had better not be introduced into the present measure. I agree there are many persons who cannot be designated as Christians, who should be relieved from taking the declaration on the faith of Christians, and who can be safely entrusted with offices which involve the management of local concerns, and in which persons of all persuasions can be rendered useful servants of the public. At the same time, however I may be inclined to extend the principle of the Bill in that particular, hereafter, to persons of other persuasions, I do not consider that a sufficient reason for delaying its extension to those particular sects to which the measure refers. This is not a measure brought forward by her Majesty's Government, nor does it proceed on any great principle; but it has been introduced, as I understand, with the view of removing, to a certain degree, the evil of excluding particular persons from voting at municipal elections, owing to their conscientious scruples. In many of the large towns there are numbers of persons practically excluded from voting upon these occasions. If your Lordships think as I do, that the tolerant character of the measure now before you ought to be extended, you should not be deterred from carrying out the Bill, or rather the principle of the Bill, to a still greater length. I do not object to the doctrine respecting the measure which has this night been advocated in your Lordships' House; but what I contend for is this, that the Bill was not originally so framed as to meet these views. So far I agree with the Noble Lords who have spoken. I agree likewise with some of them in thinking that there is, and always must be, great difficulty in legislating upon subjects of this nature, where definitions respecting religious belief and opinions are required; for I find it not easy to imagine how courts of law could enter upon such inquiries without assuming to themselves inquisitorial powers inconsistent with the principles of the British constitution. I profess myself favourable to acting upon broad principles; but until a measure of that nature is introduced with full notice, I think the most advisable course will be to pass this Bill at all events; for, as far as it goes, it will be a positive gain, extending, as its enactments do, to the three denominations. Gradual relief has always been the practice of the Legislature, and an instance of this occurred only two years ago, when certain disabilities affecting the Separatists were removed. Then, further, I wish to observe, that in passing this Bill, which is confessedly good so far as it goes, your Lordships do not preclude yourselves from acting, at a future time, upon more extended principles. I am perfectly willing, hereafter, to support a measure for restoring rights enjoyed by religious sects, but I do not see how the present Bill can be extended, especially without previous notice. For these reasons I shall feel bound to resist the amendment.

LORD BROUGHAM. — The arguments which have just fallen from the Noble Marquess convince me that he ought to have arrived at a conclusion the very opposite of that to which he has come. My Noble Friend has told your Lordships that our arguments are unanswerable — that it would be vain to attempt any reply to our reasonings — that the data are beyond all possibility of dispute, and the deductions altogether irresistible; but still my Noble Friend declares that he shall vote against us — and why? Simply because he agrees with us. After following us the whole way, he makes, suddenly, a crane-necked turn, so swift as to elude the senses, and goes off in the other direction. When I hear him assert the same principles of toleration with my Noble Friend (Lord Holland) and myself, and lend the sanction of his high authority to our opinions; when I am thus naturally congratulating myself on the comfort and strength we shall presently derive from his vote, all at once the cup is dashed, unquaffed, from my lips, and, my Noble Friend's speech remaining with us, his vote is gone. He approves all my argument, both premises and inferences; I have given reasons that are irrefragable. But if any thing was wanting, this has been supplied in ample abundance by my Noble Friend at the table (Lord Holland), who has laid down the soundest principles, and enforced them by the most luminous reasoning. And if the measure was still not sufficiently heaped, the Noble Marquess opposite (Lord Bute) has filled it up to overflowing, by the judicious statement of new matter, and facts hitherto not brought to bear on the point. All this chain of irresistible reasoning, as my Noble Friend confesses it to be, must surely make him join in our conclusion. But, no: "Your arguments are unanswerable," says my Noble Friend, "and therefore I differ with you; your premises are sound, your deductions unexceptionable, your conclusions irresistible, and therefore I will resent them and vote against you." But why, my good Lord, one naturally asks, why vote against us? It cannot be because we are in the right that we have disentitled ourselves to your support. What, then, is the reason? for reason there must be for such an unexpected course. The reason turns out to be more strange and unexpected still — it is because we are likely to be defeated — because there are so many sure to vote against us — that my Noble Friend will add his vote to theirs. He agrees with us, and wishes us success; but because our adversaries, who are his adversaries also, muster strong, and may very likely defeat us, and prevent us from attaining the object both I, and my Noble Friend, alike, are desirous of; therefore, in order that our defeat may be insured, he will add his vote to theirs; and, in order to deprive himself and us of all chance of carrying the point we both earnestly wish, he will vote with our common adversaries because they are already too many for us.

I make no doubt that your Lordships have partaken of my astonishment at the process of reasoning by which the Noble Marquess has succeeded in convincing himself that he ought to say to so many of us as agree with him — "You wish to carry an extended measure, and so do I — I will not support you." I know, my Lords, the serious mischief that has been done by such invidious exclusions, and I own that were I a member of any excluded sect, as a Jew or a Cameronian, I should feel that I was stigmatised — that the Legislature had no confidence in my loyalty and good faith — that less confidence, at least, was reposed in me than I had a right to claim, because more was reposed in others whose claims were not higher than my own, and that I was ill-treated by the Legislature's making the invidious distinction between me and them. All this, however, might pass away as matter of feeling only; but then I should begin to reflect and reason on the matter, and I should find myself not only worse treated than others, but worse off when the Bill had passed than I had been before; and my chance much diminished of obtaining a just regard to my scruples, — of being placed on the same footing with others whose religious scruples had entitled them to present relief. This matter really deserves the consideration of your Lordships and of my Noble Friend. Each sect excluded by the unjust and inconsistent operation of this Bill has the prospect of admission within the pale of the constitution materially lessened by the numbers of those whom its operation comprehends. When those who are all uniting their efforts to gain admission continue a numerous body, with much influence, and with all the reasons in their favour derived from the injustice of excluding so many, their prospects of success are fair and cheering; but when you open the door at which all are alike knocking with their combined force, and let in a considerable number, how manifest is it that, if the door is instantly shut in the face of those who remain, their prospects are overcast in proportion to the diminution which their numbers have sustained?

I am aware that this is a topic requiring to be discreetly, and even delicately, handled; according to the circumstances of each case, it must always be decided whether you will obtain a great good for a large body of persons, upon the weight and influence of those still left out, and thus remove to a greater distance the period of universal toleration. But are the sects now about to be admitted so numerous as to justify this unfair treatment of those you are leaving out? Far from it. Let us look to the only numerous body whom it comprehends — the Quakers. They are the great sect whom the promoters of the measure undertake to relieve; but what is the fact with regard to that important and highly respectable class of men? They declare that they cannot conscientiously avail themselves of the provisions of the Bill, and that for them it will have no kind of operation. I highly esteem the Quakers as individuals; I venerate their principles, — the pure principles of toleration and of peace, — and I admire their practice, accurately conforming to those blessed doctrines. I am, therefore, unable to feel otherwise than grievously disappointed that a measure, professing to be for the advantage of a body who have been for five and thirty years very zealous fellow-labourers in the cause of peace and liberty, should prove to them no advantage at all. I cannot help looking to the petition which has been presented to the House by the Noble Marquess (the Marquess of Lansdowne), and which in substance declares that the Bill to them is worth no more than the parchment on which it is about to be engrossed. That petition is from the most confidential and authoritative portion of the Society of Friends. To describe it as only speaking the sentiments of the individuals who sign it, is a mere fallacy. It is from the committee annually appointed at the general yearly meeting, and which bears the same relation to the general body of Quakers there assembled, which the commission of the General Assembly of the Church of Scotland bears to that venerable body, during the interval of its sittings. These petitioners are appointed to watch over the affairs of the society, and they possess the confidence of the whole sect; and I am thus convinced, from the expression of their opinion, that the Bill will be utterly useless to the society at large. Then who are left to benefit by this measure? One or two scattered congregations of Moravians, and about as many of Separatists; and it is for this handful of men that you are going to stigmatise all the Jews, and all the other sects whom the Bill avowedly and purposely excludes? My Noble Friend will, I know, reply, that in proportion as the numbers comprehended are small, the force of the former argument is lessened, the argument usually drawn from the loss of power to obtain admission for the excluded sects. I grant it; but then the argument against passing the Bill at all, and excluding any sects, acquires tenfold force, — force proportioned to the insignificance of the relief which it actually affords. For, most undeniably, the only shadow of a justification which can be imagined of stigmatising any sects by saying they shall not be relieved, is drawn from a reference to the amount and importance of the body whom you are relieving. Reduce their numbers to a mere handful, and away goes every vestige of a reason for the unjust and invidious measure, and nothing of it remains but its invidious injustice.

The MARQUESS of LANSDOWNE — I beg to be understood, though admitting the force of argument by which the amendment is supported, that I yet consider such an amendment inadmissible in deliberating on such a Bill with such a notice: so large a principle as the Noble and Learned Lord the mover of the amendment contemplates, is inconsistent with a measure so framed.

I certainly must propose the Bill as it stands, as I consider I should endanger its success, and be acting against the interests of those persons comprehended in its provisions, if I were to wait till the proposition that the Jews shall be admitted to the same privileges should stand a chance of being affirmed.

LORD HOLLAND.—I agree that the course which my Noble Friend proposes to take, namely, that of going on with the Bill in its present shape, is better calculated to secure success now, and to extend that success hereafter, than the other course which I, and those who thought with me, feel bound to take in supporting the amendment. No doubt any Noble Lord may support the Bill, without being a jot less friendly to the more extended principle. My more immediate purpose, however, in rising, is, to notice a remark which fell from a Learned and Right Reverend Prelate near me. That Right Reverend Prelate appeared to me to contend, that the purpose of the declaration is to ascertain the Christianity of the person chosen to fill an official situation. Now, to me, it does seem that that is not a matter within the province of human authority. It is contrary to that freedom which forms one of the foundations of Protestantism. To admit such a principle into British legislation, would be a step towards the establishment of an Inquisition. It is directly the reverse of the principles upon which Parliament has always acted, with the exception of that blot upon our legislation, — the sacramental test. English laws, and Protestant and English government, are adverse to inquisitorial legislation. The constitution recognises no power to inquire into men's thoughts on religious subjects. It was on the principle of the right to ascertain men's thoughts. that the Inquisition was founded; and everything like an inquisition I am prepared to resist.

The BISHOP of LONDON. — I regret to have heard what has just fallen from the Noble Lord, as I have purposely avoided putting forth any speculative principles on this subject, intending to reserve myself on those points to a future occasion. I beg to observe, that the declaration merely goes to ascertain whether the party makes a profession of Christianity or not, — nothing more; and I must be allowed to say, that so long as any union subsists between the Church and the State in this country, it can hardly fail to be thought necessary that persons holding office shall at least come within the denomination of Christians.

The clause, as originally framed, was put, and agreed to, the amendment being negatived.

The House then resumed, and the Report was ordered to be received to-morrow.

CANADA.

LORD BROUGHAM.— I beg leave to give notice, that I shall put a question to-morrow to my Noble Friend the Secretary of State for the Colonies, respecting those Returns which I moved for a few evenings since.

Adjourned.

HOUSE OF COMMONS.

PRIVATE BUSINESS.

Quedgley (Gloucester) Inclosure.—Petition for Bill; referred to the Select Committee on Petitions for Private Bills.

The following Bills were severally read a first time, and were ordered to be read a second time; namely,—

Milton-next-Sittingbourne Improvement Bill, "for better paving, cleansing, lighting, watching, and otherwise improving the town of Milton-next-Sittingbourne, in the county of Kent." Joly's Naturalisation Bill.

PUBLIC BUSINESS.

MISCELLANEOUS PETITIONS.

The following petitions were severally presented; namely,—

Highway Act,—By Mr. ORMSBY GORE,—of trustees of the Burlton and Llanymyneeh turnpike roads, for amendment.—Referred to the Select Committee on the Highway Act.

Ballot,—By Mr. PHILPOTTS, Mr. LAMBTON, and another Honourable Member, in favour of,—from the city of Gloucester, signed by 1660 persons; and from Lymington and South Shields.

Fishguard Harbour Act,—By Mr. ALDERMAN THOMPSON and Mr. G. F. YOUNG, for repeal of so much thereof as authorises the collection of a passing toll,—from Wexford and Sunderland.

On presenting the petition from Sunderland,—

Mr. ALDERMAN THOMPSON said:—Seeing that, on former occasions, the House would not countenance the principle of a passing toll, I am at a loss to discover why that principle should be extended to the case of Fishguard Harbour; and I cannot refrain from expressing my hope, that the Right Honourable Gentleman the President of the Board of Trade will not allow this Session to pass over without introducing a Bill to take away this power from the promoters of the Fishguard Harbour improvement.

An HONOURABLE MEMBER.—I beg to say, that the Honourable Member for Scarborough, in the last Session of Parliament, introduced a Bill having a similar object in view, which Bill was thrown out, on the ground that the principle of a passing toll was altogether inadmissible. I therefore presume that the House must have been ignorant of the facts of that case when they allowed this Bill to pass.

Education,—By LORD VISCOUNT SANDON,—from Sheffield, signed by 3500 persons, praying that no national system of education may be adopted that does not embrace the daily reading of the Holy Scriptures.

Rating of Tenements Bill,—By Mr. WILLIAM DENISON,—of chairman of the board of guardians of the Dorking union, in favour of.

Poor Laws (Ireland),—By LORD VISCOUNT MORPETH,—from the town of Galway, in favour of, as laid down in Mr. Nicholls's Report.

Tithes (Ireland),—By LORD VISCOUNT MORPETH,—from Ballymena, for abolition of.

Medical Profession,—By LORD VISCOUNT MORPETH,—of James Flynn, for amendment of law relating thereto.

Wool, Olive Oil, &c.,—By LORD VISCOUNT MORPETH,—from Cleckheaton and Gomersall, for repeal of duty on.

Ordered to lie on the Table.

BELFAST ELECTION.

Petitions were presented, praying to be admitted parties with the Earl of Belfast to defend his return; namely,—

Against the petition of Edward Ledger and others,—from John Henry and others, and James Barnett and others; against the petition of Samuel Hart and others,

— from John Henry and others, James Barnett and others; and against the petition of Robert Francis Gordon and others, — from John Henry and others, and James Barnett and others. Act (9th Geo. IV. c. 22. sec. 10.) read.

Petitions were presented, praying to be admitted parties with James Gibson, Esquire, to defend his return, namely,—

Against the petition of Edward Ledger and others,—from John Henry and others; against the petition of Samuel Hart and others, — from John Henry and others; and against the petition of Robert Francis Gordon and others, — from John Henry and others. Act (9th Geo. IV. c. 22. sec. 10.) read.

Ordered, in each case, that the petitioners be admitted parties to defend the several returns, according to the prayer of their petitions.

WASTE LANDS (IRELAND) BILL.

A Bill "to promote the reclamation and improvement of uncultivated lands in Ireland, and to render navigable rivers and lakes in Ireland," was read a first time; to be read a second time on Wednesday, the 21st of February, and to be printed.

TENANTS FOR LIFE (IRELAND) BILL.

A Bill "to enable tenants for life of estates in Ireland to make improvements in their estates, and to charge the inheritance with a portion of the monies expended in such improvements," was presented, and read a first time; to be read a second time on Wednesday, the 21st of February, and ordered to be printed.

LEASES AND EXCHANGES (IRELAND) BILL.

Mr. FINCH presented a Bill, "to enable tenants for life and mortgagors in possession of lands in Ireland, to grant leases, and to enable tenants for life of lands in Ireland to make exchange, and for giving a summary remedy for partition in all cases as to lands in Ireland." Read a first time; to be read a second time on Wednesday, the 21st of February, and to be printed.

ROWLAND MILNER.

SIR E. CODRINGTON. — I hold in my hand a petition which I am very anxious to present and to call the attention of the House to, because it is one which is important, not only to the individual who is the petitioner, but to the service to which I have the honour to belong. It is under these circumstances that I beg leave to make a few observations, in conformity with the notice which I have given. Sir, this is the petition of Mr. Rowland Milner, formerly a lieutenant in the navy, complaining of being deprived of his rank on a charge brought against him after the lapse of eleven years, and praying for inquiry. Mr. Milner states, that when a lieutenant in the navy in the year 1821, he received a letter from the Secretary to the Admiralty, dated the 29th September of that year, charging him with having committed a fraudulent act (of which he had never before heard one word whispered) in the year 1810! Observe, this letter was received in the year 1821 — after a lapse of eleven years from the period when this improper conduct was alleged to have occurred. I will venture to say, that when Honourable Gentlemen opposite shall have heard the whole case, they will admit that the "eternal principles of justice" have in this instance been grossly invaded and violated. The letter to which the petition refers alleged that he, the petitioner, had given a power of attorney to a person named Alexander to receive his half pay, but that he received it himself. Now this is an allegation which might easily be proved or disproved; because no officer can receive his half pay without the application being accompanied by certain affidavits, upon the receipt of which, accompanied by a reference to the books of the department, that half pay is paid; and if an officer receives his half pay personally, he is equally obliged to give a receipt for it; therefore a record is always kept of the sums paid, whether those payments be made to agents or to the parties themselves. Mr. Milner is charged with receiving his half pay himself, and with giving also a power of attorney to receive it to an individual named Alexander. Now had this man presented himself to receive the money, the application would at once have been stopped, for reasons which I shall presently state. He would have been told, "You have presented affidavits, and the documents are so and so, we cannot pay you."

The imputation against Mr. Milner is this, that in the year 1810 he took 12*l.* on the security of his half pay, that is to say, that he raised this by way of loan from a party, being nominally the amount of his half pay from the 13th of March to the 7th of July of that year, but he not being entitled thereto. From the 7th of December, 1809, to the 15th of June, 1810, was the actual period for which he had to receive half pay; so that the affidavit alleged to have been made must have left out a period of ninety-six days prior to the dates given, and twenty-six days short of the real time for which Mr. Milner was entitled to half pay. Therefore any one would have said at once that there must have been a forgery in the case. The persons whose duty it was to pay the half pay on affidavit, &c. would immediately have said, "There must be something wrong here; this power of attorney does not include the whole period for which the party is entitled to receive half pay." Why, Sir, if there were anything fraudulent in the transaction, Mr. Milner was subject to be tried by a court-martial. But what was the answer of this man when he first received the letter from the Admiralty? It was to this effect: "I never heard of the man, or of the transaction referred to." And what other answer, I ask, could he give? But he receives a second letter from the Secretary to the Admiralty, requiring him to furnish further information on the matter. Mr. Milner then says, "I cannot give you further information, for I have never heard of or seen this man." He is, however, immediately struck off the list — he is not brought face to face with his accuser, but is scratched off the list of the navy, and deprived of his half pay. He then says, "Bring me to a court-martial;" and this demand is treated with contempt. He then says, "Well, if you will not bring me to a court-martial, prosecute this man in the civil courts, — let me be brought against him on oath." But he is told, "Oh, no! you cannot do this." There are, Sir, many peculiarities in this case. I believe the man is as innocent of the charge imputed to him as I am myself; and I never heard of Mr. Milner till his case was investigated by me. I beg to say, that I have no personal interest in the matter, except to do justice to the aggrieved party in the case. The petitioner only asks to be brought face to face with his accuser. I should observe, that this case was taken up very warmly by Mr. ex-sheriff Parkins, but, as the result has proved, without success. The Solicitor to the Navy states that Mr. Milner received this half pay personally, and that he then went abroad. Now, a fraud is of course implied in this declaration; but how stands the fact? Why, Sir, Mr. Milner first received his half pay in the year 1811; and, moreover, if ever such an affidavit had been presented as that which is alleged to have been made, he would have lost ninety-six days' half pay. Now, one has a right to look at a man's motives, particularly when he seeks to perpetrate a fraud. It is clear that men are always actuated by some motive, either good or bad. It is said that the petitioner gave this affidavit and power of attorney for the purpose of raising a loan of 12*l.* on his half pay; whereas, by carrying a proper affidavit to any of the dockyards, he would have received that to which he was really entitled, namely, 40*l.*, and upwards. Paymaster Grey says that Milner never received his half pay till the year 1811, when he was disabled. Now, Honourable Gentlemen will be surprised to hear that I have the affidavit said to have been made — that I can produce it, and that that, together with the power of attorney, both documents being forged, are now in my pocket. But supposing, for the sake of argument, that a fraud was committed, how happens it that it was never found out till eleven years after it is said to have occurred? How such an error could ever have been committed is, perhaps, not my affair, but I say, the whole transaction is discreditable to the board under whose management it could be suffered to occur. Now, to show, on the other hand, that forgeries are occasionally practised in these cases, I know of an instance which occurred in 1833 or 1834, of a surgeon's assistant, who had been in the West Indies, who, on his arrival home, found that his money had been already paid under an error. But, Sir, I should mention that there was a Captain Wilson in the royal navy, whose word, I think, might be taken under any circumstances——

The SPEAKER. — Does the matter upon which the Honourable and Gallant Officer is about to speak refer to the immediate subject of the petition, because otherwise he is out of order?

SIR E. CODRINGTON. — It is in explanation of the statements contained in the petition; and the petitioner, indeed, refers to Captain Wilson for the truth of that which he alleges. This officer contrived that Mr. Milner and Mr. Alexander should come on board his ship and meet. "How do you do, Mr. Milner?" said Captain Wilson; and then turning round to the other party, "What," said he, " you not know Mr. Milner?" "Oh," said the other, "I know that when he was first lieutenant of such and such a ship, Captain so and so," &c. Now both names given by Alexander were wrong. Sir, Mr. Milner asks the House to give him such relief as it may deem fit; and I do think it most important that when we hear so much of the eternal principles of justice, we should give to this much-injured man that relief which he seeks at our hands.

The SPEAKER. — What other relief does he really seek than that of pecuniary relief?

SIR E. CODRINGTON. — The restoring him to his rank in the navy, Sir. I do not mean to say that such a consummation may not involve a question of money; but I am sure, that if the House are alive to the hardships of this gentleman's case, they will do justice. The man is almost deranged in consequence of being thus unjustly disgraced and deprived of his half pay. I will not trouble the House further than by saying, that if any Honourable Gentleman wishes to see the papers, I shall be glad to show them to him.

COLONEL SIBTHORP.—I have very great pleasure in seconding the prayer of this petition.

Ordered to lie on the Table.

DUDLEY ELECTION RECOGNISANCES.

Mr. PRYME. — I have to move, Sir, that the petition of William Meryweather Turner, of Overbury Court, in the county of Worcester, which was printed with the Votes on Friday last, be now considered. That petition, it will be recollected, prays for further time for amending and entering into his sureties.

SIR T. FREMANTLE. — I wish to ask the Honourable Member, if he is prepared with any evidence to justify the House in taking the step proposed? I know of no case in which a motion of this nature has been agreed to without some evidence being produced.

Mr. PRYME. — I am prepared with evidence. I move that Mr. William Meryweather Turner be called in.

Mr. W. Meryweather Turner called in and examined at the bar, by

Mr. PRYME and other HONOURABLE MEMBERS. — Is a barrister at law. Is the petitioning candidate against the late return for the borough of Dudley. Gave in the name of Montague John Meryweather as one of the sureties. Mr. Montague John Meryweather is witness's brother; his brother has adopted another name, that of Turner, in addition to his name of Meryweather. He obtained the King's licence to use the name of Turner, in consequence of certain property being willed to him on that condition. Witness's brother does not adopt the name of Turner generally, but only in chancery proceedings. He signs his name usually as Montague J. Meryweather, and is known as Captain Meryweather. He has been three times gazetted as Montague J. Meryweather. Witness considered it proper to give in the name by which his brother was generally known. The name of Turner was not given in, because there might have been some difficulty on the part of the examiners in knowing who was the party. Witness was not present when his brother was called upon to sign the affidavit. Captain Meryweather resides at Overbury Court, near Tewkesbury. Resides there with his father, Mr. William Stroms Meryweather. Witness's brother was gazetted as Montague J. Meryweather, subsequently to the issue of the letters patent, authorising him to take the name of Turner. Has seen his brother sign his name three different ways: namely, in ordinary proceedings, Montague J. Meryweather; in the Chancery suit in which he is engaged, Montague John Meryweather Turner; and occasionally witness has seen him sign his name Meryweather Turner only. Witness's brother is not a housekeeper.

The witness was then ordered to withdraw. The objection was made to the name by the examiners.

Mr. PRYME. — No objection has been offered against the second security. I will presently move that the time for the sureties entering into their recognisances in the case of the Dudley Election Petition be extended till 26th of December.

SIR T. FREMANTLE. — I have a witness in attendance who has made inquiries, and the evidence he is prepared to give is, I understand, directly contrary to that which the petitioner has just given at the bar of the House. I move that Mr. John Campbell be called in.

Mr. John Wilson Campbell called in, and examined by

SIR T. FREMANTLE and other Honourable Members. — Is a surveyor of roads; resides at Dudley. Has been to Overbury in Worcestershire to make inquiries respecting the family of Meryweather. Inquired for Overbury Court, but it was not known; found Overbury House. Inquired for Captain Meryweather; could find no such name; found Captain Turner, residing at Overbury House. Was informed that he had lately come there from Cheltenham. Was informed that Captain Turner, Mr. Turner, Mrs. Turner, and Miss Turner, lived at Overbury House. Made no inquiries as to the solvency of Captain Turner. Has no knowledge of what property he may possess. Witness directed his inquiries simply as to whether such a person as Captain Meryweather was residing at Overbury, or not. Found no person to answer the description of Captain Montague Meryweather. Witness obtained his information from the people of the village. Did not go to Overbury House. Was four or five hours in the village. Has no knowledge of the persons of whom he made inquiries; they were the inhabitants of the village. Inquired at the first house at which the information was likely to be obtained; made no selection. Does not know whether or not there is a posting house or an inn at Overbury. Put up at a public house, and made inquiries of the landlord. Went to Overbury to make these inquiries at the request of several respectable persons at Dudley. Came to town for the purpose of giving evidence in this case. Saw the postman who delivers the letters at Overbury; he told witness that the letters were addressed to Mr., to Captain, and to Mrs. Turner, but not to the name of Meryweather.

Witness was then ordered to withdraw.

Mr. PHILLPOTTS. — I wish to state that some time since I was introduced to Mr. Meryweather, senior, as Mr. Meryweather. I have dined with him, and know him only as Mr. Meryweather. I believe his son goes by the name of Captain Turner.

Mr. HUME. — I beg also to observe that, during the late general election, I received a letter from Mr. Meryweather, the father. It was signed W. S. Meryweather; the name of Turner was not added.

Mr. PRYME. — I wish to ask the first witness one question. I will move, therefore, that he be recalled.

Mr. William Meryweather Turner again called to the bar, and examined by

Mr. PRYME. — The name of witness's father is Meryweather; he has never gone by the name of Turner, the junior branches of the family, only, having been directed by the will to use that name. The name of his father's place of residence is Overbury Court; witness himself resides there when in the country. Overbury Court is rented by witness's father from Mr. Martin, the Member for Tewkesbury.

The witness was then ordered to withdraw.

Mr. PRYME. — I will now move that the time for the sureties entering into their recognisances in the case of the Dudley election petition be extended to Tuesday, the 26th of December.

On the question being put, —

SIR T. FREMANTLE said: — I cannot see how this indulgence can be granted. If a gentleman signs his name Meryweather instead of Turner, which was the name put in, and an exception is taken by the examiners, it does not appear to me that by merely extending the time for completing the recognisances, we shall get rid of the difficulty. The name is signed Meryweather when it should have been Turner — a complete change of the name therefore is necessary.

Mr. AGLIONBY. — I would suggest that the remedy is this, — as Mr. Turner and Mr. Meryweather Turner are one and the same person, we should direct the examiners to try the validity of the surety, and not to change the name. The only question for the examiners is the solvency of the parties, they have not to do with the legal points of the case.

SIR T. FREMANTLE. — If I recollect the words of the Act aright, we have no discretion in this matter. It appears to me, and I would submit it to the Honourable and Learned Gentleman, that the general convenience would be consulted by leaving this question entirely in the hands of the examiners appointed by the House, be their decision what it may.

Mr. PRYME.—The Honourable Member for Buckingham and his party took a very different view in the case of the Pontefract petition, on Friday last. That case was less strong than the present, yet the House granted the indulgence prayed.

SIR T. FREMANTLE.—I was not in the House on the occasion to which the Honourable and Learned Gentleman alludes.

Mr. PRYME.—I thought the Honourable Baronet was in the House during the discussion on the Pontefract case. At any rate he differs from what was then the opinion of those Honourable Members with whom he usually acts. Here we havè a case which I think calls for the indulgence of the House. A gentleman has given in his name as a surety in prosecuting this petition, and having the King's letters patent to take a name which he does not usually adopt—he very properly gives in that name by which he is best known. Now, against this we have the evidence of Mr. Campbell, a Quaker. I know that Quakers are sometimes the best witnesses, but at others they are the worst. He has stated that he went to Overbury—that he could not find the name of Meryweather—that the persons residing at Overbury House go by the name of Turner, not of Meryweather; whereas we have the evidence not only of the petitioning candidate, but also the testimony of two Honourable Members of this House, that the father is known by no other name than that of Meryweather. I say, therefore, that the testimony of the witness Campbell is inconsistent. I appeal to the House whether ample ground has not been shown that the justice of the case will best be consulted by extending the time, as I have moved?

The CHANCELLOR of the EXCHEQUER.—Perhaps it is unfortunate that the House has no equitable jurisdiction in these matters. But it appears to me that there is a mode of disposing of this case without any difficulty, that is, by enlarging the time for entering the recognisances. An opportunity will thus be afforded to the parties of making the necessary alteration in the name; and the solvency of the parties can be ascertained by the examiners in the mean time.

LORD VISCOUNT SANDON.—The House ought to be quite sure that the signature given in is that which will bind the party as a surety. Here we have a case of an individual assuming three different names. He has not, in this instance, signed the name which it appears he is accustomed to use in signing legal documents; this does appear to me somewhat suspicious, and requires explanation. My opinion is, that the better course would be to postpone this discussion until we can have the account which Captain Turner himself may have to give of this alteration in his usual signature. I merely suggest this; I do not press it upon the House.

Mr. COURTENAY.—This indulgence has been asked as a mere matter of form, but it appears to me to be a matter of substance, and not of form. We find that a person is entitled to certain property (having, I believe, no other property), only on the condition of his using the name of Turner; he, however, signs his name as Meryweather. Now, I am not prepared to say, that he has not forfeited his right, under the will, by so signing his name.

Several HONOURABLE MEMBERS.—Oh! oh!

The SOLICITOR GENERAL.—The duty of the examiners is to look to the sufficiency of the sureties, and their decision in that point is final. I would suggest to the House, as the case of Friday last was nearly similar to this, that what was done then should be done now. I think we ought to grant the extension of time to the 26th of December, as asked. In this case, the examiners have refused to inquire into the sufficiency of the sureties. Now, if the House is satisfied that no fraud was intended on the part of the petitioning candidate, or the surety, I do not see why they should not extend the time, in order that the examiners may make the necessary inquiry. It does not matter what name a man signs to the document; if he were to sign "John Noakes," he would be equally liable, provided the fact of signing were proved. But it is necessary that he sign his proper name, in order to give the parties an opportunity of examining into his solvency.

Mr. MACLEAN.—The case of Friday last and that now before us are not at all analogous,—the distinction is obvious. In the one case, the surety gave in his proper name, but having two places of residence, he stated only one of them. But here a man, having three different names, gives in one, and that not his legal name. Is he to be inquired for as Captain Montague Turner, Montague Meryweather, or Meryweather Turner? I think no case for the interference of the House has been made out.

Mr. C. WOOD. — The name he gave in was the name he is generally known by, but he signs a legal document by his legal name. There is nothing more common; and I can refer to a case in point, — that of Lord Stuart Wortley: his legal name is Mackenzie, but he never uses this name except in signing legal documents.

SIR R. PEEL. — The argument of the Honourable Gentleman who has just sat down tells against himself. Lord Wortley, it appears, invariably signs to a legal document his legal name of Mackenzie; but in this case the legal name was not signed. The Act states that, at the time of lodging the petition, the name of the surety shall be delivered in writing to the Speaker's clerk; that of course implies the legal name, not the name that the individual may be known by only at his own residence in the country. In the present case, the wrong name has been given in, and the examiners have, therefore, refused the surety. It appears, then, to me, that the House has no further jurisdiction. Now, we must look at what may be the effect of this motion, as a precedent. The House has to consider whether, by thus relaxing its rules, it is not holding out a premium to fraud in future cases. In my opinion, the provision of the Act which regulates such proceedings is both wise and legitimate; and if set aside, or relaxed without much caution, there would, I think, be great inconvenience thrown in the way of the examiners, in inquiring into the sufficiency of the sureties in election petitions. At the same time, if it shall appear, after proper inquiry, that in this case no fraud was intended, and that there can be no danger in the precedent, then it is competent for the House to overrule the decision of the examiners. Call on the party whose name has been given in; let him explain; and if the House is then satisfied that it was a *bonâ fide* transaction, and that there has been no attempt at concealment, then let us take the proper steps to do justice in this particular case, and to prevent the precedent being used for the purposes of fraud in after times. But, Sir, upon a matter of so much importance, I would respectfully submit, Sir, that we ought to have your opinion; for by thus suspending little by little the provisions of the law, we may carry relaxation to a very dangerous extent.

The SPEAKER. — Being called upon to state my opinion on this matter, I must do so as my conscience dictates, however sorry I may be to express an opinion which is possibly at variance with the feelings of a majority in the House. I consider that, in every transaction of this kind, it is of importance to adhere rigidly to the rule of law when once laid down, because this, in the end, will prove the best way to insure fairness and justice to all parties. In the case now before the House, a witness has been called in and examined; he states that he gave in the name of a person, as one of his sureties to an election petition, whose name had been changed to Turner by royal licence, by which name he signs all legal documents, not as an addition to, but as a substitution for, his original patrimonial name. Yet this person, being fully aware of the circumstance, puts in the name of this very party as his surety, with a signature at variance with that to which he is legally entitled, and which he ordinarily uses in legal documents. I really think that the general interests of this House would be better consulted by adhering rigidly to the rule.

LORD JOHN RUSSELL. — I will not offer an opinion as to the rule which has been laid down; but I do say, that we had better adhere rigidly to that rule, or admit a relaxation in all cases in which the justice of the case requires it. It is, perhaps, to be rgretted that, on Friday night last, or rather on Saturday morning, after one o'clock, when a motion somewhat similar in its object to the present, in reference to the Pontefract election, was brought forward, the strict rule was not rigidly adhered to. I was not in the House on that occasion, having left it, after a previous long debate, at one o'clock; but I understand the case, as described by the petition, to be this: — that a Mr. Proctor, whose name had been given as one of the sureties in the Pontefract petition, as been described as "of South Bank, Regent's Park, and not carrying on any trade or business whatever there."

Several Honourable Members on the Opposition benches. — No, no!

LORD JOHN RUSSELL. — Yes: the words of the petition say so; and the prayer of the petition is, that further time may be given to amend the description of the party in question. This was the case on Friday night, and the House granted the application. What is the case now? A person gave, as one of his sureties, the name of his brother, who, by royal licence, had taken the name of Turner, which he adopts, as he is obliged to do, in all legal proceedings, but who usually goes by the name of Meryweather in the ordinary intercourse of life, and who has three times been gazetted to the commission of the peace under that name. Now, I believe that it is no unusal thing, though certainly not quite regular, for persons who have changed their names by royal licence, for particular objects, to retain in many cases their original name. An instance of this kind just occurs to me: it is that of Lord Howard, who, when Mr. Howard, got the royal licence to adopt the name of Molyneux, and yet, I believe, that he never went or was known by that name in society. What I think, however, that the House should give its attention to in matters of this kind is this, that it should not enforce, as a rigid rule, one night, what another day it has relaxed; that it should not, on Friday, indulge in what all considered an equitable relaxation of the letter of the law, and, on Monday, repent of what it has done, and say, now is the time to be rigid.

SIR H. HARDINGE. — Being one of those who voted, on Friday night, in favour of the indulgence granted in the Pontefract case, I will state to the House the grounds on which I did so; because, not only was the solvency of the surety undisputed, but the Noble Lord the Member for North Devon bore his testimony in favour of Mr. Proctor's respectability. The opinion of the Noble Lord induced me to believe that there was an accidental omission in the description of the surety, and that the justice of the case demanded some relaxation of the rule. I certainly should not have voted as I did, but for the explanation of the Noble Lord; I am, however, of opinion, that the rule now laid down by the Right Honourable Gentleman in the chair, is that which we ought to adopt; and so convinced am I that the general convenience of the House will be best consulted by following that, that if a motion be made for rescinding the decision of Friday night, and the House is prepared to adopt the advice of the Chair in this and all future cases, I shall think it my duty to support it with my vote.

Mr. E. J. STANLEY. — I am inclined to agree with what has fallen from the Right Honourable and Gallant General (Sir H. Hardinge). I think that the advice that has been given from the chair is the best that can be adopted in such cases; I thought so on Friday night, but it was not then the opinion of the other side of the House. I wish to have the opinion of the Chair, whether the House has the power to rescind its vote of Friday evening?

The SPEAKER. — I see no reason why the House may not rescind its own vote; the effect on both parties would be the same. The ground upon which I have stated my opinion with regard to the propriety of adhering with strictness to the rule, I was anxious to take, because the number of appeals from the decisions of the examiners has been so many, during the present Session, that it really interposes great difficulty to the proper discharge of their duty. If they are to have their decisions made the subject of discussion and revision by the House, great inconvenience will be occasioned, and we shall detract from the authority of the examiners, appointed by the House, as well as render their labours nugatory.

SIR T. FREMANTLE.—If the House is to make compromises of this sort, we ought to retrace our steps, not only in the Pontefract case, but also in the Bodmin case; the laxity there was much greater than in either of the others, and I cannot consent to reverse the decision in one, without pursuing the same course with regard to the other.

Mr. AGLIONBY. — I think nothing can be more unjust than to make compromises with parties. If we make this compromise,—if we go back to reverse our decisions in the Pontefract and the Bodmin cases,—we must go back to all other cases from the commencement of the Session, and undo all that we have hitherto done. With respect to the Pontefract and Dudley cases, I repudiate all idea of compromise; I do not know the parties, but I think it is due to them that the whole merits should come before the House. If the statements which have been made to me be correct, the two cases stand upon very different grounds: the one is a *bonâ fide* mistake; the other, as I hope to show, when the motion of which I have given notice comes before the House, as complete a case of fraud and oppression as has ever been heard of. I think that every case of this nature should stand entirely upon its own merits.

Mr. FRESHFIELD. — The House should recollect that, in all these cases, we are bound to act in a judicial capacity. I am prepared to extend relief where it ought to be given; but, in the present case, I think there is an objection which must be deemed fatal to the present motion. In my opinion, the present case differs much from the Pontefract and Bodmin cases.

LORD VISCOUNT HOWICK. — Sir, although I fully concur in the opinion that you have expressed, that if we were to alter the existing law in all cases, much inconvenience would be created; I think the House should look at what was the intention of the Act in giving it the discretionary power to relax the rule of law in such cases; and that object I apprehend to be, that the cases of election petitions should not be thrown out upon mere formal or technical grounds. I, for one, should think it objectionable, if the House were deprived of the power of granting indulgences in *bonâ fide* cases. I hope, when the Honourable Member for Liskeard's Bill is brought forward, that some regulation will be adopted which will supersede the necessity of discussions of this kind. The rule that ought to govern us is, that care should be taken that the object of the law be fufilled, and that no election petition be proceeded with, unless *bonâ fide* security be given to the sitting Member, that responsible parties are ready to pay the costs, provided such petitions should be declared "frivolous and vexatious." But, on the other hand, where the intention of the parties is to prosecute the petitions, and their grounds of opposition are well founded, I think the House should reserve to itself the power to extend indulgence where all that is sought is the correction of mere accidental errors. I will not enter into the merits of the Pontefract case, but I must say that, in my opinion, the case now before us appears to be totally free from any implication of deceit or fraud, and therefore I think that it is a fit occasion for the indulgence of the House.

The House then divided: —

Ayes . . .	123
Noes . . .	68
Majority against the extension of time	55

RETURNS, &c.

Yeomanry Corps. — Returns presented of the number of troops, or corps, or regiments, of effective yeomanry of Great Britain and Ireland, according to the last Muster Roll, &c. (ordered 4th December). — To lie on the Table.

MESSAGE FROM THE LORDS,

That they have passed a Bill, intituled, "An Act for naturalising Frederick Joly."

PONTEFRACT ELECTION RECOGNISANCES.

On the motion of Mr. AGLIONBY, order for considering petition of James Coppock (presented 16th of December), read.

Petition of Henry Gompertz, Esquire, stating that Richard Bartholomew Moss was employed by him as his agent, to superintend his petition. — To lie on the Table.

Mr. AGLIONBY. — Sir, in presenting my motion to the House to rescind the Order made on Friday for enlarging the time for putting in the recognisances in this case, it is not my intention to impugn the decision of the House, or to give any pledge as to how I shall ultimately vote, because until the circumstances connected with this subject are proved, I can arrive at no final determination respecting it. I feel bound, however, considering the serious nature of the motion which I am about to submit, affecting as it does individuals out of this House, as well as what has passed within it, to make a short statement of the facts bearing upon the present question. The House will recollect that the notice they received of this subject was through a petition presented from Mr. Gompertz,—in consequence of some doubts having been raised as to the description of Mr. Proctor, one of the sureties. Now, Sir, on the occasion of the discussion upon that petition, a Mr. Moss was the only witness called, —neither Mr. Proctor nor Mr. Florence was examined. The only evidence before the House was that of Moss, and on that evidence, such as it was, the House unanimously rose and said, "We have heard enough; we will agree to the proposition for allowing time to make the correction required." Now, was not this unanimous decision come to because it was considered by the House that the party seeking the indulgence stood in a fair situation to claim their consideration, and to appeal to their equitable jurisdiction? I ask whether the House did not come to that decision because they believed that Mr. Moss acted as parliamentary agent to Mr. Gompertz, though it was not clear from his testimony whether he did so in conjunction with Mr. Florence, or whether Mr. Gompertz was his client, or, as he expressed it, "might be" his client, according to the proceedings, at a future stage? The statement of the Noble Lord the Member for North Devon, that he knew the surety to be a respectable man, did not weigh with me on that occasion, so much as did the evidence of Mr. Moss, that he was the parliamentary agent in this case. Now, my present object is to show, and I will do this on the evidence of the gentleman who is engaged as parliamentary agent for the sitting Member, and who has made inquiries, that Mr. Moss is not the parliamentary agent, the sureties having been handed in by Mr. Florence, as agent for the petitioner, and signed in his handwriting. I will, now, briefly lay before the House the circumstances under which the election took place. It appears from the accounts which I have seen in the newspapers, that at the late Pontefract election there were two candidates on one side and two on the other. One of these was Mr. H. Gompertz, who has petitioned the House as an aggrieved candidate. Now, it is important that it should be ascertained whether he is entitled to appear in that character, and stand in the position of a person who, *rectus in curiâ*, seeks the indulgence of Parliament to correct an error as to one of his sureties. I understand — my authority being no other than the statement in the public prints — that Mr. Gompertz was, at the time of the election, and has been, up to the present time, imprisoned in the Queen's Bench prison, for a debt of 16,000*l.* It has been further asserted, that he was proposed by a non-elector and seconded by a non-elector. In the first instance, I was informed that there was no poll demanded on the part of Mr. Gompertz, but I have since understood that he polled one voter. Now, who will the House suppose was the non-elector who proposed Mr. Gompertz? Why, the very Mr. Moss who, on Friday last, at the bar his House, represented himself to be mentary agent for the petitioner. turday, in consequence of what d on Friday, Mr. Coppock wrote to Mr. Florence, who acted as agent in handing in the sureties to the examiners, a note to this effect: —

> DEAR SIR, — Your name appears as agent in the Pontefract election for the petitioner. You acted as such before the examiners into the sureties; and yet a Mr. Moss states that he is agent. It has been suggested, that Mr. Moss is in partnership with you. Is this the case? And will you have the goodness to inform me, what Mr. Moss has really to do with the matter?
>
> (Signed) JAS. COPPOCK.

To this note Mr. Florence returned the following answer: —

> DEAR SIR, — In answer to your note, I have no hesitation in saying, that I became agent at the request of Mr. Moss, with the understanding that he was unable himself to be agent, on account of being a candidate at the election. You are quite in error in supposing that Mr. Moss is in partnership with me. I am sole agent to this petition, and in that character signed the sureties. Yours, &c.
>
> JAS. FLORENCE.

Now it becomes a question, are the parties, against whom a competent tribunal has decided that one of their sureties, Mr. Proctor, is wrongly described, entitled to relief through the equitable jurisdiction of the House, before it is proved that the person petitioning stood in the *bonâ fide* situation of candidate, not a mere stray candidate, picked up in the streets, or in the Queen's Bench, and proposed for the mere purpose of committing a fraud on the electors, and with the view of abusing the indulgence of this House? I trust that Mr. Moss will be here to answer the imputations urged against him. I want to hear Mr. Moss explain this contradiction to the evidence he gave on Friday. Certainly he did not say that he was the sole agent in this case, but that he acted in conjunction with Mr. Florence; and here we have a letter from Mr. Florence denying that Mr. Moss has in any way the agency, and that he himself is the sole agent for the petitioner. No one who heard Mr. Moss give his evidence at the bar but must have been struck with the extreme reluctance with which he stated the name of the party who employed him. I think this is a case of strong suspicion. If, however, it should appear the relief which has been extended was no more than the justice of the case demanded, I should say, "Do not depart from the resolution which you have taken respecting it;" but if the grounds on which it was so given were fallacious and untenable, — if this indulgence was sought for as a means of acting unjustly and oppressively towards the sitting Member and the electors, — I am sure the House will never consent to bolster up a case to gratify any individual. I have one other remark to make before I conclude, with respect to the error one of the sureties, it appears, committed as to the description of Mr. Proctor. That individual has described himself in the present petition as a gentleman residing in Regent's Park, whereas in the case of another petition, where he is also a surely, he states that he is a bootmaker. This circumstance has also an air of suspicion, and, with the other facts which I have stated, calls, I think, for investigation. I will now move that Mr. Coppock be called in and examined.

Mr. James Coppock called in, and examined upon oath by

The SPEAKER. — I am a solicitor, residing in Cleveland Row, Westminster.

By Mr. AGLIONBY. — I have acted as agent for Mr. Stanley, the sitting Member for Pontefract, since the petition was presented against his return. There is only one petition, which is from Henry Gompertz, who states himself to have been a candidate; on Saturday morning last, having heard that the time for entering into the recognisances had been enlarged, I went to the usual office, and saw that Mr. James Florence had signed his name as the agent of Mr. Gompertz. The notice of sureties was signed by him. I then wrote to Mr. Florence on the subject, requesting to know whether Mr. Moss was concerned in the business, and received an answer from him, stating that he (Mr. Florence) was the sole agent, and had become so at the request of Mr. Moss. In another case, Mr. Proctor, one of the sureties for prosecuting this petition, has described himself as a bootmaker; that is in the case of the Canterbury petition; whereas in the Pontefract case he describes himself as a gentleman.

By Mr. MACLEAN. — Are you retained as agent in other election petition cases besides the one for Pontefract? — I am.

In how many are you retained? — In several.

In a large number? — I am retained in several cases, and should be happy to be retained in many more.

In how many are you retained?

The SOLICITOR GENERAL. — I object to that question.

The witness was then ordered to withdraw.

The SOLICITOR GENERAL. — If the Honourable Member is prepared to say that his question has reference to the case immediately under the consideration of the House, I am not aware that any legal objection can be urged against it. But I think the House ought not to call on the witness to expose the extent or poverty of his professional business for the mere purpose of shaking his testimony, by causing him, in the hurry of the moment, to answer five or six, when it may be that he is engaged in fifteen or sixteen. This is a matter with reference to which all courts and tribunals exercise their right of interference with the greatest possible delicacy and caution.

Mr. MACLEAN. — My reason for asking the question was because I thought the witness went out of his way in stating what occurred in connection with another petition in which he had no interest as agent. I have a reason for asking the question, but I am not aware that I am bound to state it.

The SOLICITOR GENERAL. — If the Honourable Member persists in putting the question, it must be supposed that he has *bonâ fide* grounds for thinking it applicable to the case.

Mr. SHEIL. — It strikes me that the question is not relevant. It appears that the witness was employed as agent in the Pontefract case, and that the two sureties for the petition, Messrs. Bevan and Proctor, are also sureties in the Canterbury case. The witness found a discrepancy in the description of the surety Proctor, as given in both cases, and thus the Pontefract case and the Canterbury case became connected. But that is no reason why the witness should be called on to answer questions as to his connection with other cases in which he may be engaged.

Mr. JERVIS. — I think nothing was more natural than that Mr. Coppock should have thought it necessary to be present while the recognisance was taken in the Canterbury petition. He found that in that case the same sureties were offered as in the Pontefract case, and it was most proper that he should know whether the property which was made responsible in the one case, was also sufficient for the security in the other. The case is analogous to the taking of bail in the Court of Queen's Bench. An attorney served with notice to attend in court to receive bail, would ill discharge his duty to his client, if, hearing that the same bail had been offered in another case, he did not attend in order to ascertain whether the same property was made liable in the two cases. The question which has been put to the witness appears to me wholly inadmissible.

Mr. FRESHFIELD. — I am of opinion that the Learned Member for Oxford has a right to try the credit of the witness, and for that reason I think the question proposed to be put a perfectly proper one. If it should turn out that the witness is employed as agent in many cases, his statement with regard to any particular one might be considered as liable to inaccuracy.

Mr. BERNAL. — It appears to me to be a most extraordinary mode of testing the credit of the witness by the accuracy of his recollection with regard to the particular number of cases in which he may be engaged. Suppose the witness should say he is retained in eight cases, and it should turn out that he is engaged in seven or nine cases, would the Honourable Member say that on that account the witness should not be considered credible?

Mr. FRESHFIELD. — I wish to say, in explanation, that the Honourable Gentleman has entirely mistaken my meaning. What I said was, that the witness, having a great amount of business to attend to at the same moment, might naturally be the less accurate in his statement with regard to any one particular case.

Mr. GODSON.—It appears to me that if the question was framed solely with a view to ascertain the amount and nature of Mr. Coppock's business, it ought not to be pressed; but I can imagine that the Honourable Member had in view a more extended and proper intention. It struck me that the Honourable Member sought to elicit whether this agent was not a person employed, generally, by some society or association to carry on election petitions. I can suppose a course of examination starting from such a question, which might lead to such a discovery. Suppose the witness should answer that he was engaged in fourteen or fifteen cases; and then, in reply to further questions, to state that he knew nothing whatever of the petitioners whose cases he was employed professionally to conduct, and that he was the retained and paid parliamentary agent of some society or other association, with the object of carrying on election petitions, without any expense to, and perhaps without any authority from, the nominal petitioners. Now, the importance of such a disclosure is so obvious, that I think an Honourable Member might be allowed even to travel a little out of his way to get at that information.

Mr. MACLEAN. — The Honourable and Learned Member has correctly stated my intention. I think it right, when a person comes here to petition this House, and addresses himself to us as the agent for the petition, when in fact he is not employed by the petitioner, and stands here to speak against a man who is so employed, that this House should exercise its power of examination in testing its veracity. I therefore shall persevere in my question; and for that purpose I move that the witness be recalled.

Mr. Coppock was then recalled, and examined by

Mr. MACLEAN. — Are you engaged as agent in a number of election petition cases? — I am.

Will you state the number?

Mr. WARBURTON. — Sir, I shall take the sense of the House on the propriety of putting that question.

Strangers were then ordered to withdraw, but no division took place.

The motion, "That the witness be called in, and asked, In how many petitions are you engaged?" put, and negatived.

SIR R. PEEL. — I think, if the witness Moss was examined between one and two o'clock in the morning, when very few Honourable Members were present, that I and those Honourable Members who were not then present ought to have an opportunity of hearing his evidence. If, therefore, Mr. Moss is in attendance, I would propose that he be called in.

Mr. Richard Bartholomew Moss was then called in, and examined by

SIR T. FREMANTLE. — I am agent for the Pontefract election petition. I account for having allowed James Florence to put in his name as agent, because I requested him to do so; he having superintended a portion of my business. I entertained an objection to my name appearing as the agent, because I had taken a prominent part at the Pontefract election. I am, to all intents and purposes, the agent in this case; and Mr. Florence has no interest in the matter, *pro* or *con*.

Mr. AGLIONBY.—You, then, are the sole agent, and Florence is only the apparent agent?—Yes.

Do you not consider that a fraud?—No; I was present when the sureties were put in.

Did you not state, on Friday, that you yourself put in the sureties?—I was present when the sureties were put in.

Have you taken any part in these proceedings as the agent, beyond attending at the office with Mr. Florence when the names of the sureties were given in?—Yes, I assisted in drawing up the petition, and in arranging the various matters connected with it.

If your object was only, as you have stated, that your name should not appear as the agent, how was it that you applied to Mr. Florence to draw up or assist in drawing up the petition?—I do so in all cases.

Are you aware of the note that has been read to the House, in which Mr. Florence denies that you have any thing to do with this petition as the agent; and in which he says that you are not in partnership with him?—I am not his partner; I merely employed him to assist me in this case, as I do in others.

Mr. AGLIONBY.—I move that the letter addressed by Mr. Coppock to Mr. Florence, and the answer of Mr. Florence, be read.

The letter and the reply were then read.

Mr. AGLIONBY.—Now you hear that Mr. Florence distinctly denies that you are the agent in the case of the Pontefract petition; or that you are his partner. Do you still maintain that you are the agent?—I do; Mr. Florence put in his name because he is employed by me to superintend a part of my business.

When and by whom were you employed?—I was employed by Mr. Gompertz about a week before the Pontefract election.

Where was Mr. Gompertz then?—Where he now is.

In the rules of the Queen's Bench?—Yes.

Are you aware that Mr. Gompertz is in confinement for debts amounting to 16,000*l.*?—I do not know the amount.

Who requested you to go to Mr. Gompertz?—Dr. Boyton.

What for?—To be allowed to act as agent for his election.

What election?—No mention was made of any election.

Then any election was meant that might serve his purpose?—Yes.

Mr. MACLEAN.—I object to the question.

The witness was then ordered to withdraw.

Mr. AGLIONBY.—Unless the House is assured that the petitioner, Gompertz, has acted in an open and fair way, the House cannot grant him the relief. If it can be proved that the petitioner was ready to be a candidate for any place, whatever, that might be fixed on for him, the first link in the chain of fraud will thus, I think, be shown. If the House object to the question, I will not put it.

SIR T. FREMANTLE.—The question for the House to consider is,—whether the time for entering into recognisances ought to be enlarged, on the ground of a misdescription having been given of one of the sureties. With that question the fact of the witness having acted as agent at any particular election has, I submit, nothing to do; and I am unwilling to see the time of the House wasted by irrelevant questions.

Mr. AGLIONBY.—I thought the question I put was one of some importance, but I will not press it.

The witness was then recalled, and examined by

Mr. AGLIONBY.—Were you yourself a candidate for the borough of Pontefract at the late election?—I was not; but when I arrived there, I found that a canvass had been going on in my favour.

Then, when you arrived at Pontefract, you appeared there as the agent of Mr. Gompertz?—Yes.

You proposed Mr. Gompertz on the hustings, I believe?—I did.

Are you an elector of the borough of Pontefract?—I am not.

How came you, not being an elector, to propose Mr. Gompertz at the hustings?—I was told, at first, that I could not propose him: but the nomination was ultimately accepted.

Had you any communication, in your

is strongly tainted with fraud; and if we are not to inquire into the question of fraud, then there is nothing for the House to decide. In law, if fraud can be proved, the parties applying are not entitled to relief; and if not in law, certainly they have no such title in equity. The House has granted a certain indulgence, supposing this to be a *bonâ fide* proceeding, and I can see no injustice in requiring the parties to show that no fraud has been practised.

Mr. C. BULLER.—When I went to dinner, I left the Right Honourable Baronet opposite (Sir R. Peel) arguing in favour of a strict application of the rule laid down by the House in regard to sureties, and now that I have come back from dinner, I find the same Right Honourable Gentleman arguing for a lenient application of the rule. I do not understand this change. The only difference I can see is, that the question in the former case related to Dudley, and the present has reference to Pontefract; and the Right Honourable Baronet may be more inclined to favour a Tory candidate than another.

Several HONOURABLE MEMBERS.—Oh, oh!

Mr. C. BULLER.—In my opinion, there do appear sufficient grounds for believing this to be a case of wilful mistake, for the purpose of deceiving parties, and investigation ought therefore to take place. I wish to have it fully explained why Mr. Proctor was one day designated as a bootmaker, and on another as a gentleman. I have no desire to bind men down to the strict letter of the law, but the present case certainly calls for examination.

SIR R. PEEL.—In this instance, I think the judgment of Philip sober better than that of Philip after dinner. (Laughter.) What I stated was, that the examination ought to be limited to the question, whether Mr. Proctor's designation was stated in two different ways with a fraudulent intention, or not? And I also stated, that I did not think it fair or proper to inquire, whether Gompertz had been, and was, in the Queen's Bench, or whether Moss was, or was not, an elector of Pontefract, and had a right to nominate one of the candidates. It does appear somewhat strange that, after Honourable Gentlemen opposite have got their vote in the Dudley case, they should now wish to apply a different rule in the Pontefract case.

An HONOURABLE MEMBER.—I rise to order. The Right Honourable Baronet is transgressing the usual limits of explanation.

LORD J. RUSSELL.—I do not think it a safe course for the House to enter into questions relating to the character of, and the proceedings at, elections. In considering a motion, such as the one now before it, these are not proper questions for the House to entertain. In the present case I put my opinion upon this issue. If I am persuaded that the names were given in to the examiners in full faith by the parties, and that, objection having been made, their only object is to amend the description,—then, I say, the House, having already granted indulgence in another case, ought to grant it in this. But if, on the other hand, it can be shown that the different description of the same party was given with the view to mislead, and that it was intended as a fraud on the House,—then I think that would be a sufficient reason for rescinding the Order of the other night. But unless it can be proved that the intention was to mislead, I, for one, am not prepared to go to the extent that the Honourable and Learned Gentleman's motion proposes.

Mr. AGLIONBY.—It was my intention to show that there were circumstances of fraud existing in this case, but I have been prevented from doing so by constant interruptions. If it is the wish of the House, I will give the matter up for a night; and as such seems to be the desire of Honourable Gentlemen in my vicinity, I will beg leave to move that this debate be adjourned till to-morrow, in order that Benbow and Proctor may be brought before the House.

On the question being put,—

Mr. MACLEAN said:—There has not been the slightest evidence adduced that Moss has any connection with the Canterbury petition, or that he suggested the names of the sureties in that case. The Honourable and Learned Member must surely be aware that the petitions from this side of the House are not the only ones to which objections similar to the present might be urged. I find, for instance, the name of Mr. Bernal, a surveyor, as one of the sureties in two different petitions from the other side; and in one he is designated a surveyor, while in the other he is very differently described. The questions which have been urged by the Honourable and Learned Member for Cockermouth are questions for the consideration of the

Election Committee, and it would be most improper for the House, by a side wind, to come to a premature decision upon the merits of the election.

Mr. BORTHWICK.—I think there is not a Member in this House against whose return a petition has been presented who would not, however strong might be his case, wish to avoid the trouble and expense of an election committee, if the merits of his election were to be gone into and decided beforehand by the House, in this indirect manner. The only question for the House to consider is,—whether the mere difference of description is sufficient to justify them in saying that fraud was intended?

SIR R. PEEL.—As there is now a new question before the House, perhaps I may be permitted to observe, that I act upon the same principle in this, as in the Dudley case; that is, to get the best evidence possible as to any special circumstances which may entitle the parties to the relief they require; but I conceive it to be a perfectly distinct question, whether we shall go into the merits of the election, and inquire who was the canvasser, and who was the nominator of the petitioning candidate. Any charge of fraud is a proper subject for investigation by this House; and if the Honourable Gentleman opposite intends, at a fit time, to bring Benbow and Proctor before the House, I will willingly consent to the adjournment of the debate. I hope, however, if there is to be any further examination, the case will be investigated and decided on its own merits, without any reference to the proceedings at the election.

Mr. AGLIONBY.—I will take such means as are in my power to obtain the attendance of Benbow, Florence, and Proctor, in order to their being examined to-morrow before the House.

The further proceeding was then adjourned.

On the motion of Mr. AGLIONBY, it was ordered that —— Benbow, James Florence, William Proctor, John Phillips Beavan, Richard Bartholomew Moss, and James Coppock, do attend this House to-morrow.

Ordered, also, that the Marshal of the Queen's Bench prison do bring Henry Gompertz, Esquire, in safe custody, to-morrow, in order to his being examined as a witness at the bar of this House; and that Mr. Speaker do issue his warrants accordingly.

IPSWICH ELECTION RECOGNISANCES.

Mr. CHARLES BULLER.—I rise, Sir, for the purpose of presenting a petition from Samuel Hardman, of Chancery Lane, solicitor, praying the House to extend its indulgence so far as to allow the petitioner to name another surety in the case of the Ipswich election petiton. The ground upon which the indulgence is asked is, —that when the sureties previously offered appeared before the examiners, the partner of one of them attended and produced the deed of partnership, by one of the clauses of which either partner was debarred from becoming surety for another. This was altogether unexpected; and, before the petition could be prosecuted, it became necessary that another surety should be named. The present petitioner is one to whom the utmost indulgence of the House may very properly be granted, because he is not attached to either party, and comes forward merely to defend the purity of election; and I do not expect any objection from Honourable Members on either side, as the petition equally impugns the return of both the Members, on the ground of bribery. I very much regret that I have not been able, in this instance, to comply with the order of the House, which requires that petitions of this description should be printed, and placed in the hands of the Members interested before they are presented; but the fact is, the petition was not placed in my hands until after the House adjourned on Saturday; and as this is the last day allowed for entering into recognisances, it is of course impossible for me to delay the presentation till to-morrow. Under all the circumstances, I hope the House will see that this is a case in which the prayer of the petition should be granted.

Upon the question being put, That this petition do lie on the Table,—

Mr. GIBSON said:—As one of the sitting Members whose interest is affected by this petition, I rise to oppose it. I think I have a right to complain that no notice has been given of the intention of the Honourable and Learned Gentleman to present this petition. I will appeal to the Right Honourable Gentleman in the chair, whether it is in accordance with the conventional usages of this House, for one Member to bring charges against another without having given ample no-seize with avidity to save themselves from this inquiry. The Right Honourable Gentleman seems to have entirely forgotten the discussion, the other night, with respect to notices of motions for Tuesdays and Thursdays. The Right Honourable Gentleman has talked a great deal about inconvenience, by way of an answer to the Honourable Baronet. Why, the Honourable Baronet is incapable of asking whether a period be inconvenient or not: what he wishes to know is, whether the question is to be brought forward at a correct and proper time? As regards myself, remembering my declaration of the other evening, — a declaration which subsequent reflection induces me to repeat,— I relieve the Right Honourable Gentleman from any oppression as to placing me upon the committee. After the treatment to which I have been exposed, I repeat, that nothing under heaven shall induce me to serve upon a committee appointed by the Right Honourable Gentleman the Chancellor of the Exchequer; but, at the same time, if the House, upon consideration, shall think, as I do, that the course proposed by the Goverment is a most censurable course — if the House, echoing the opinions and sentiments of the country, shall think that I ought to be placed upon the committee, I shall cheerfully bow to its decision. I say that it is unworthy of the Government to allow time to be frittered away, and to attempt to put off the matter until to-morrow night, and to what hour we do not know, while the Civil List and the Duchess of Kent's Bills are to be thrust down our throats. But, suppose this question does come on to-morrow, then it is to be discussed on Wednesday. By a parity of reasoning, if another Gentleman should have another list of names to propose, he will be expected to give notice on Thursday, in order that his proposition may be discussed on Friday, when nearly all the Members will be gone out of town, and none will be left but the officials and the dependents of the Government. And is this, I ask, the way in which her Majesty's Ministers ought to treat a question like this? I will not describe my opinion of the conduct that has been pursued in this matter, because it is not the first time that I have been treated in a similar manner. Some years ago I brought forward a motion, connected with the Woods and Forests revenues, to which I devoted weeks and months of my time. No sooner had I brought it to a state of maturity, when it was likely to be useful, than the Government took it out of my hands, and made it a perfect abortion. Whether that is the course which it is proposed now to pursue I will not say, though past experience may suggest the apprehension of it; but this I will say, that I think the conduct of the Government towards me extremely ungenerous and unmanly.

The SPEAKER. — Does the Honourable Member for Caithness propose any amendment.

SIR G. SINCLAIR. — I shall certainly move the Order of the Day for going to the nomination of the select committee on the Pension List. With regard to the Honourable Member for Southwark, I understand that he does not expect to be nominated.

Mr. HARVEY. — Certainly not.

SIR. G. SINCLAIR. — I have not taken the Government or the House by surprise, because I entered a notice on the book, which must have prepared them for the course I am about to take. I will now move, as an amendment to the motion of the Right Honourable the Chancellor of the Exchequer, that the words "Civil List Bill" be omitted, in order to insert the words "nomination of the committee on the Pension List:" and on this amendment I shall certainly take the sense of the House.

Upon the question being put, —

Mr. WARBURTON said: — I cannot understand why her Majesty's Ministers should object to state the names they propose to place on the Pension List Committee, at once. They must have been fully considered by this time; and they must be in the hands of the Government at this moment. Why, then, not at once relieve the anxiety which is felt on this subject, not only by Honourable Members of this House, but by the public? Why not say, at once, whether it be the intention to propose the Honourable Member for Southwark on this committee? I think the Government are bound, in common justice to the Honourable Member for Southwark, to allow the question to remain in suspense no longer, leaving his name to be bandied about by the public, as it will naturally be, so long as it remains a matter of doubt whether he is to sit upon that committee, or not. I fully concur with the Honourable Member for Caithness, that, if the Honourable Member for Southwark be not a member of the committee, the inquiry will fail in being satisfactory to the country. I must say, that the Government have not acted fairly, in this case, either to the Honourable Member for Southwark, or to the House, or to the country.

LORD JOHN RUSSELL. — I admit that the Honourable Member for Southwark is placed in a situation that cannot but be disagreeable to him, in consequence of the questions that have been raised. But that is no fault of ours; the fault, if any, is owing to others, not to us. But, at the same time, I will say that, owing, as it is, to other parties, I am still ready, if it be the opinion of the House that the matter has been involved in an obscurity and doubt from which it ought to be cleared, — I am ready, I say, as far as the Government is concerned, to call upon my Right Honourable Friend the Chancellor of the Exchequer, and to request him (a request with which I know he will not hesitate to comply) to place upon the notice-book, this evening, the names of the Members, whom he proposes to put upon the committee. Is that what the Honourable Baronet wishes?

Several HONOURABLE MEMBERS. — No, no!

SIR GEORGE SINCLAIR. — That will not correspond with my views upon the subject; I shall certainly take the sense of the House upon the amendment I have moved.

LORD JOHN RUSSELL.—Then, Sir, I must proceed at once to state the grounds upon which we propose to act with regard to the Honourable Member for Southwark. It will be recollected that, in the last Session of Parliament, that Honourable Member was placed upon the committee which sat upon the Report of the poor laws. The committee found that all their proceedings were reported in the daily newspapers; generally fully reported, sometimes only in portions, consisting of extracts and selected passages; but in one shape or the other, whether at full length or only in part, the publication of their proceedings was continued from day to day. This, as the House will perceive, was in direct contravention of the directions placed upon all the papers delivered to members of committees, — "that it is particularly requested that these papers may not be communicated to any other persons, being intended solely for the use of the committee." The subject of the publication of their proceedings was brought under the notice of the committee, and your authority, Sir, was mentioned as conclusive, that no member of the committee ought to disregard or to commit a breach of the order attached to the papers placed in his hand. The Honourable Member for Southwark, as I understand, did not deny that the publication complained of originated with him. I then thought it necessary, in order that the Honourable Member might have no room for doubt, to bring forward a question in this House as to the right of members of committees to make publications of the proceedings that took place before them; and the resolution which I then proposed was agreed to, after a division upon the question of adjournment, but without any division upon the question itself. I have that resolution now before me; it was agreed to by the House on the 21st of April last, and is in the following terms: —

> That, according to the undoubted privileges of this House, and for the due protection of the public interest, the evidence taken by any select committee of this House, and documents presented to such committee, and which have not been reported to the House, ought not to be published by any member of such committee, or by any other person.

I had hoped that such a resolution, on the part of the House, would have removed all doubt or hesitation that any member of the committee could have entertained, as to the propriety of the right of publishing what transpired before a select committee prior to the Report of that committee having been made to the House. But such was not the result. The publication continued, and the members of the committee were placed in the very great difficulty, — a difficulty which all felt to be very great and very painful, — that of being either obliged to report from day to day, contrary to the opinion of a large majority of them, or to connive at a daily infringement of the orders of the House, or else to bring the proceedings before the House, and ask the House to proceed to the vindication of its own rights and privileges; — and thus to have produced a feeling in the public mind that an Honourable Member, who took a strong part against the Poor Law Amendment Act, was to be visited with punishment in consequence of his opposition to that measure. As the least of these evils, we took the course of reporting from day to day the proceedings of the committee. I am afraid, Sir, that that course must have met with your disapprobation. I know that many members of the committee, and many Members of the House, — I believe, amongst others, my Honourable seize with avidity to save themselves from this inquiry. The Right Honourable Gentleman seems to have entirely forgotten the discussion, the other night, with respect to notices of motions for Tuesdays and Thursdays. The Right Honourable Gentleman has talked a great deal about inconvenience, by way of an answer to the Honourable Baronet. Why, the Honourable Baronet is incapable of asking whether a period be inconvenient or not: what he wishes to know is, whether the question is to be brought forward at a correct and proper time? As regards myself, remembering my declaration of the other evening,—a declaration which subsequent reflection induces me to repeat,—I relieve the Right Honourable Gentleman from any oppression as to placing me upon the committee. After the treatment to which I have been exposed, I repeat, that nothing under heaven shall induce me to serve upon a committee appointed by the Right Honourable Gentleman the Chancellor of the Exchequer; but, at the same time, if the House, upon consideration, shall think, as I do, that the course proposed by the Goverment is a most censurable course—if the House, echoing the opinions and sentiments of the country, shall think that I ought to be placed upon the committee, I shall cheerfully bow to its decision. I say that it is unworthy of the Government to allow time to be frittered away, and to attempt to put off the matter until to-morrow night, and to what hour we do not know, while the Civil List and the Duchess of Kent's Bills are to be thrust down our throats. But, suppose this question does come on to-morrow, then it is to be discussed on Wednesday. By a parity of reasoning, if another Gentleman should have another list of names to propose, he will be expected to give notice on Thursday, in order that his proposition may be discussed on Friday, when nearly all the Members will be gone out of town, and none will be left but the officials and the dependents of the Government. And is this, I ask, the way in which her Majesty's Ministers ought to treat a question like this? I will not describe my opinion of the conduct that has been pursued in this matter, because it is not the first time that I have been treated in a similar manner. Some years ago I brought forward a motion, connected with the Woods and Forests revenues, to which I devoted weeks and months of my time. No sooner had I brought it to a state of maturity, when it was likely to be useful, than the Government took it out of my hands, and made it a perfect abortion. Whether that is the course which it is proposed now to pursue I will not say, though past experience may suggest the apprehension of it; but this I will say, that I think the conduct of the Government towards me extremely ungenerous and unmanly.

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LORD JOHN RUSSELL.—Then, Sir, I must proceed at once to state the grounds upon which we propose to act with regard to the Honourable Member for Southwark. It will be recollected that, in the last Session of Parliament, that Honourable Member was placed upon the committee which sat upon the Report of the poor laws. The committee found that all their proceedings were reported in the daily newspapers; generally fully reported, sometimes only in portions, consisting of extracts and selected passages; but in one shape or the other, whether at full length or only in part, the publication of their proceedings was continued from day to day. This, as the House will perceive, was in direct contravention of the directions placed upon all the papers delivered to members of committees, — "that it is particularly requested that these papers may not be communicated to any other persons, being intended solely for the use of the committee." The subject of the publication of their proceedings was brought under the notice of the committee, and your authority, Sir, was mentioned as conclusive, that no member of the committee ought to disregard or to commit a breach of the order attached to the papers placed in his hand. The Honourable Member for Southwark, as I understand, did not deny that the publication complained of originated with him. I then thought it necessary, in order that the Honourable Member might have no room for doubt, to bring forward a question in this House as to the right of members of committees to make publications of the proceedings that took place before them; and the resolution which I then proposed was agreed to, after a division upon the question of adjournment, but without any division upon the question itself. I have that resolution now before me; it was agreed to by the House on the 21st of April last, and is in the following terms: —

> That, according to the undoubted privileges of this House, and for the due protection of the public interest, the evidence taken by any select committee of this House, and documents presented to such committee, and which have not been reported to the House, ought not to be published by any member of such committee, or by any other person.

I had hoped that such a resolution, on the part of the House, would have removed all doubt or hesitation that any member of the committee could have entertained, as to the propriety of the right of publishing what transpired before a select committee prior to the Report of that committee having been made to the House. But such was not the result. The publication continued, and the members of the committee were placed in the very great difficulty, — a difficulty which all felt to be very great and very painful, — that of being either obliged to report from day to day, contrary to the opinion of a large majority of them, or to connive at a daily infringement of the orders of the House, or else to bring the proceedings before the House, and ask the House to proceed to the vindication of its own rights and privileges; — and thus to have produced a feeling in the public mind that an Honourable Member, who took a strong part against the Poor Law Amendment Act, was to be visited with punishment in consequence of his opposition to that measure. As the least of these evils, we took the course of reporting from day to day the proceedings of the committee. I am afraid, Sir, that that course must have met with your disapprobation. I know that many members of the committee, and many Members of the House, — I believe, amongst others, my Honourable

Friend the chairman of the committee, — disapproved of that course, — a course which was taken at my suggestion, and supported by the Honourable Baronet the Member for Buckingham (Sir Thomas Fremantle). Such, however, was the course which we ultimately adopted; but, previously to our doing so, the Honourable Member for Southwark, opposing himself to the resolution of the House, continued his publication; and the rest of the committee, not willing to take any strong course, allowed the resolution to remain, during that time, in suspense. Though armed with the resolution of the House to protect its proceedings, and though the Honourable Member continued his daring defiance of that resolution, the committee did not proceed to act upon it; but adopted the milder course, attended as it was with a hundred inconveniences, of reporting its own proceedings from day to day. But although, in the instance of the Poor Law Committee, we took the course which we thought the most expedient, yet I must say that I am not prepared again to place upon a select committee of this House, nominated by any member of the Government, an Honourable Member who so defied the resolution of the House, — who stated that he would be guided solely by his own opinion, contrary to the decision of this House, — and between whom and the House, if he were again placed upon a select committee, a question must arise, — (one of the questions which are the most injurious to the reputation of the House, — namely,) — a question in which the dissentient Member is made apparently a martyr to the resolutions and proceedings of this House, in the vindication of its own privileges.

We have known, in former days, how much popular excitement has been caused by sending members of committees to places of confinement; and we all know that some Members of the House have owed much of their popular reputation to that very resistance to the orders and privileges of the House, of which the Honourable Member for Southwark gave an instance upon the Poor Law Committee. I think, then, that the safest course — much as it may be disapproved of — much as it may be made the subject of popular misrepresentation, — I still think that the safest course for us to pursue, will be, to name as fair and just a committee as we can, but not to place upon it the name of the Honourable Member for Southwark. If the House chooses to say, " Let our privileges be in abeyance, let all our orders be disobeyed, —any Member who pleases shall have his own will and pleasure upon committees, uncontradicted by the House," — if the House choose to say so, let it be so; but let it not come from us; let it not be said that it was the Government who proposed to invade and trample upon the privileges of the House. I should be forgetful of the privileges of the House, and unmindful of those serious difficulties in which we were involved in the last Session, and which I am sure no Gentleman who sat upon the Poor Law Committee can ever forget, if I were to propose the nomination of the Honourable Member for Southwark upon another select committee. I will only, in conclusion, add, that should the Civil List Act be proceeded with to-night, my Right Honourable Friend will be ready to give notice of the names he proposes to place upon the committee.

Mr. HALL. — I am glad that this question is now brought fairly to issue. Day after day it has been discussed in the public prints, and the opinions of the people have been very strongly expressed with regard to it. Sir, it was with considerable regret that I heard the determination at which the Noble Lord has arrived. I consider that, as this is a question which must be disposed of before the recess, it ought to be decided at once. I regret the course which the Government have thought it proper to take on this occasion, because I had conceived that it was natural for the Government, when proposing a committee of inquiry into pensions, to place on it the name of a gentleman who has devoted his time and his talents to the consideration of this subject, and Session after Session has brought it before the House. The name of the Honourable and Learned Member for Southwark is so much identified with the consideration of this question, that unless his name be attached to that committee, those who feel the deepest interest in the progress and results of the inquiry will not be satisfied that it is fairly gone into. There are two parties interested in this inquiry — the public, and those who are in the receipt of pensions. I will deal, first, with this latter class. I am sure that those persons will not be satisfied unless the name of the Honourable and Learned Member for Southwark be added to the list; for a friend of mine has told me, that a noble relative, who is in the receipt of a large pension, has expressed himself strongly as to the necessity of the Honourable and Learned Member being on the committee, stating that he was most anxious that every opportunity should be afforded for investigating his claims. And it is my decided opinion, that if that Honourable and Learned Gentleman be not nominated, the object of my Right Honourable Friend the Chancellor of the Exchequer will be entirely defeated. In taking the appointment of the committee out of the hands of the Honourable and Learned Member, my Right Honourable Friend stated, that he was anxious to take the whole responsibility of it upon himself; and I, myself, consider it to be most desirable that the Government should stand in that responsible situation; but I also think that, at the time my Right Honourable Friend took upon himself that responsibility, he ought not to have stated that it was not the intention of the Government to place the name of the Honourable and Learned Member on the List.

I may be excused, as the documents have been published in the public papers, if I allude to the correspondence which has passed between the Right Honourable the Chancellor of the Exchequer and the Honourable and Learned Member for Southwark, with reference to this question. This correspondence consists of a letter addressed by my Right Honourable Friend to the Honourable and Learned Member, and of that Honourable and Learned Member's reply. Now, I must say that, for my own part, I should have answered any such proposition as that made by my Right Honourable Friend in his letter in the same manner as did the Honourable and Learned Member for Southwark, and as I should conceive it would have been replied to, had it been made to any other Honourable Member of this House. If any proposition had been made to me to be on the committee, but coupled with the condition that it must be a *sine quâ non* that I should forego any right or privilege that I, as a Member of Parliament, considered I possessed; I would not have consented to be placed on that committee on such a condition. I use the words "right or privilege," because it is a fact, that what the Honourable and Learned Member for Southwark did, on a former occasion, received the approbation and sanction of the House of Commons. I do not mean to say that the course pursued by the Honourable and Learned Member, on the occasion alluded to, was that course which I myself should have adopted: — still it was a course which was afterwards sanctioned by the House itself. All that the Honourable and Learned Gentleman did was, to publish, from day to day, the evidence taken before the Poor Law Committee, of which he was a member. Now, I would ask, is there anything which can prevent that Honourable and Learned Gentleman from pursuing the same course with respect to the present committee, whether he be a member of it, or not? Whether a member, or no member, he will have the same means of information, unless, indeed, it is intended to make it a secret committee. He will have equal access to the committee room; and what power does the House possess by which to prevent him from making public that which he may there hear?

But this is a point of very minor consideration. The main question is, whether the House will give finality to the inquiry into the Pension List? If any question ought to be final — considered with a view of satisfying the public — it is this question, which involves the ascertaining of facts as they really are, and which, as they are supposed to be at present, and without inquiry, are odious in the eyes of the public. But no satisfactory inquiry can take place, not only unless the fullest investigation be allowed, but unless also the name of the Honourable and Learned Member, whose name is associated in the minds of the people with the subject of the Pension List, and whose determination to enter into every abuse, and whose capability to direct such an investigation, are so well known, be included in the list of the committee. I believe it is the invariable practice of Parliament, when any person has so devoted his time and talent to the consideration of a subject as to lead to the appointment of a committee, that such person should be placed on the list of such committee. This is a practice not merely founded on courtesy, but is grounded on wisdom. It is grounded upon wisdom. because it is natural to conclude that any person possessing the information which the devotion of time and attention to any subject must acquire, will be able to afford very essential assistance in carrying out the object of the inquiry. If ever there was an instance in which this rule of the House should be more strictly adhered to than in another, this is the one. It will be perfectly useless — I might almost say faithless — if the name of the Honourable and Learned Gentleman be not placed on this committee. If, therefore, it be the Honourable Baronet's intention to divide upon his amendment, that this question shall take precedence of the other Orders of the Day, I shall feel it my duty to vote with him.

Mr. HUME. — I rise merely to confirm the opinion of the Honourable Gentleman who has just sat down, that the proposed inquiry will be perfectly useless and unsatisfactory if the Honourable and Learned Member for Southwark be not a member of the committee; and I yet hope, notwithstanding the declaration of the Noble Lord, that the Government will reconsider their determination, and place the name of my Honourable and Learned Friend on the list.

The CHANCELLOR of the EXCHEQUER. — I have a choice between two difficulties:—one is, the interruption of the progress of the Civil List Bill, by the motion introduced by the Honourable Member for Caithness to suspend the third reading of that Bill, when undoubtedly at the present period of the year it could not be suspended but with very considerable inconvenience. If, indeed, we were now on the motion for the third reading of that Bill, simply, there might be some reason for taking this question of pensions first; but my Honourable Friend the Member for the city of London has given a notice on the third reading of the Civil List Bill, which will give rise to a debate; therefore, to postpone that third reading beyond to-morrow night may amount to an undefined and inconvenient postponement. I have said that I am perfectly ready to abide the pleasure of the House upon the decision of to-morrow night. Nobody can expect that this committee should sit before the holidays. If the House should decide that the names to be proposed should be printed before voted upon, I shall be perfectly ready to give in the names — nay, I shall be perfectly ready to give in those names to-night.

Several HONOURABLE MEMBERS. — Name, name!

The CHANCELLOR of the EXCHEQUER. — I understood from Gentlemen on all sides, that what they were desirous of was, the being in possession of the names twenty-four hours before I moved.

[Cries of "No, no!"]

That certainly was the suggestion.

[Renewed cries of "No!"]

Gentlemen may change their minds now, but the request I had to encounter, originally, was, that the House might know the names beforehand. But I have no difficulty in saying that I am ready to give the names now, and let us have the discussion.

[Cries of "Name!"]

I wish to know, in the outset, what Honourable Gentlemen would have? I understand they wish to have notice of the names on the one hand ——

[Cries of "No, no!"]

And to have a discussion on the other; but if it be the pleasure of the House to come to a discussion now, and to throw overboard the question of giving information as to the names — if that be the case, unquestionably I shall lose more time with respect to the Civil List Act by a fruitless discussion now, than by proceeding at once to that which the House desires; therefore, I have no objection to the Order of the Day for appointing the committee being read; but do not let it be said that I have taken Honourable Gentlemen by surprise.

The amendment and motion were then, by leave, withdrawn.

PENSIONS.

On the Order of the Day for nominating the committee being read, —

The CHANCELLOR of the EXCHEQUER said: — Now, Sir, that the Order of the Day has been read, I will proceed to the duty of naming the committee.

Several HONOURABLE MEMBERS. — Hear, hear!

The CHANCELLOR of the EXCHEQUER. — I hope that the Gentlemen who cheer are not among the Gentlemen who are prepared to support the Honourable Member for Kilkenny to-morrow; because if that motion, namely, that every Member intending to propose the names of Members to serve in a select committee, shall, on the day next before such nomination of Members, place among the notices for the day the names of the Members intended to be proposed as members of the said committee, — if, I say, that motion be founded in reason, nothing can be so unjust as for me to be compelled to take the House, now, by surprise, when I have proposed to give the House full information of the names, that they may be compared with those of a former committee, in order that Honourable Members may ascertain whether they are the names that ought to be put on this committee, or not. The notice given by the

Honourable Member for Caithness (Sir George Sinclair) embraces two objects — one, the insertion of the name of the Honourable and Learned Gentleman the Member for Southwark; and the other, the insertion of a majority of names, on the committee, of Gentlemen who have on former occasions voted for an inquiry into the Pension List. I shall divide my observations in respect to these two propositions. Upon the second proposition I am happy to announce that the majority of the names on the proposed committee consists of Gentlemen who voted against the Government on former occasions, and in favour of inquiry. So far the object of the Honourable Baronet is answered, and as far as that goes every pledge is given of the sincerity of the Crown in carrying on the inquiry. With respect to the second, or rather the other object,—as, from the statement of my Noble Friend, it will be anticipated by the House, — the answer must be of a contrary description. It will be for the House to determine whether that answer is or is not founded on just grounds. Sir, I shall appeal upon this subject to the good feeling of all the Members of the House, be their party whot it may. I will not attribute to Gentlemen opposite who oppose this inquiry, any intention so disingenuous as to endeavour to make this inquiry in its progress odious, distasteful, and hateful to the best feelings of the great mass of the community, by supporting a proposition that may tend to deprive the country of any advantage that otherwise might accrue from this inquiry. I should be very reluctant, indeed, to have it imagined that I considered the insertion of the name of any Honourable Gentleman on this committee would have any such a tendency. On the contrary, from the observations I am about, nay, am called upon, to make, by what has fallen from my Honourable Friend the Member for Marylebone (Mr. Hall), it will be shown that I have no such personal objection whatsoever. On the contrary, I say, boldly and unreservedly, it was my desire, my anxious desire, that the Honourable and Learned Gentleman should be a member of this committee; and I felt, as my Honourable Friend has stated, that unquestionably one who has paid attention to the subject as he has done, and brought the subject under the deliberation of Parliament, was a person whose name must naturally suggest itself as one to be proposed for this inquiry; and the omission of his name would be the very circumstance which would deprive the inquiry and the recommendations of the committee of their force and weight.

But, Sir, what are the regulations of this House, and what are the orders of this House? In the first place, any individual moving to appoint a committee, is required to communicate with the Members whose names he wishes to suggest to the House. It was, consequently, my duty to communicate with the Members whose names I wished to propose. It occurred to me, that the best course I could adopt was to select the identical committee which had been already appointed on the Civil List. The Honourable and Learned Gentleman (Mr. Harvey) having originally proposed to refer, by way of instruction to that committee, this very subject of the Pension List, it certainly did appear to me that my most obvious course would be the re-appointment of that select committee. I accordingly communicated with the Gentlemen who served on that committee. On the part of several Honourable Gentlemen sitting opposite, who had been members of that former committee, I found objections to become members of the proposed committee. They said they objected to it upon principle. I was then driven to appoint a new committee; and I believe the first name which occurred to me was the name of the Honourable and Learned Gentleman (Mr. Harvey), and I took the liberty of addressing to him a letter, which I will now read to the House.

> Mr. Spring Rice presents his compliments to Mr. Harvey, and is led to trouble him with the present communication in consequence of the motion for appointing a committee on pensions, which Mr. Spring Rice intends to bring on.
>
> From the interest which Mr. Harvey has taken in this subject, and the attention which he has paid to it, Mr. Harvey's name would naturally occur to any person selecting the members of that committee. But Mr. Spring Rice trusts Mr. Harvey will excuse him if, before he makes such a proposition to the House, he solicits information from Mr. Harvey on a question most essential to the future proceedings of that committee, if it shall be named by the House.
>
> In the committee on the poor laws, appointed last Session, Mr. Harvey communicated to the public, from day to day, the evidence and the proceedings of the committee, even before they were reported to the House. Mr. Spring Rice does not raise the question whether such a course was, in that instance, parliamentary or convenient; but it is evident that, where the private affairs, character, and service of individuals may be made matters of deliberation and inquiry, the publication of such evidence in any way but in the authentic form of a Report, and of communication to the House itself, would be unjust and inconvenient.
>
> Mr. Spring Rice fully anticipates that Mr.

Harvey will concur in these opinions, from his observations respecting the duty of such a committee, and the mode and spirit in which its inquiries should be directed. But, to avoid any difference of opinion or mistake hereafter, Mr. Spring Rice will be much indebted to Mr. Harvey if he will do him the favour of letting him know whether, if appointed a member of the committee, he adopts, and will assist the committee in adhering to, the principles laid down in this note?

Downing Street, Thursday evening.

I put it to the House whether there is any word in this note that betokens any want of courtesy or respect to the Honourable and Learned Gentleman? I put it to any Gentleman, on either side of the House, whether, if he had received this note from me, he would have considered that it indicated either a want of courtesy or of respect on my part? On the contrary, it will be seen that I endeavoured anxiously to save paining any self-love or affection for by-gone opinions, which the Honourable and Learned Gentleman might have entertained. I said, I did not raise the question whether the course which had been adopted by the Honourable and Learned Gentleman was parliamentary or convenient; but I said to the Honourable and Learned Gentleman that, from the peculiarity of this case, and in the particular circumstances under which the committee was moved, — (and under the circumstances, I must say, that I could not properly take any other course than that which I thus adopted;)—I said to the Honourable and Learned Gentleman, in reference to the declarations which this House itself had made on the subject of proceedings of committees, "You can have no hesitation in giving me the assurance which I have taken the liberty of asking." I did not call on the Honourable and Learned Gentleman to give up or withdraw any opinions which he might advocate, with respect to the question of the Poor Law Amendment Act. I merely desired to stipulate for the assurance in question; and had it been given, I should have been satisfied to move at once for the insertion of the Honourable and Learned Gentleman's name.

Now, what was that assurance? Let this be distinctly understood; for I know it has been said, out of doors, that it was presumption on my part to ask any Honourable Member for such an assurance. What, then, did I ask? Mr. Speaker, and Gentlemen of the House of Commons, what was it, then, that I did stipulate for? Why, I asked additional security that the orders of the House of Commons should be strictly adhered to. I did not seek anything from the Honourable and Learned Gentleman other than that which I might, either in the House or in committee, require of him. If I undertook the responsibility of suggesting the names of this committee, I was bound also to take upon me the accompanying responsibility of seeing that the orders of the House should be carried into full and efficient operation. I will now read the answer of the Honourable and Learned Gentleman, just premising this, that I must say that answer surprised me. I thought, from the declarations of the Honourable and Learned Gentleman, when he had said that this was an inquiry of a particular character, and one that ought to be carried on with faithfulness, as well to the parties interested as to the public,—I really did think that there could not be a doubt as to the sort of answer the Honourable and Learned Gentleman would give. But, you who are now about to vote in this matter, will you do me the favour of listening to the answer I have received, remembering that the only request or condition I made was simply this, — that, in the event of his being appointed a member of the committee, he would adhere to the resolution which had been unanimously adopted by the House. This was the answer: —

Strand, Friday morning.

SIR, — Regarding, as I do, the right of publishing the proceedings before parliamentary committees to be of the greatest public importance, I cannot consent to place its exercise in abeyance, as the condition of being placed upon a committee. I readily acknowledge that circumstances may arise which would render such publication not only undesirable, but extremely unjust towards individuals; but I must claim the unfettered exercise of my own judgment in all cases, and which, I may be allowed to remark, is not likely, I trust, to be in a direction less just or considerate than that of persons equally disinterested as myself.

D. W. HARVEY.

Now, let me bring the House to a comparison of this letter with their own resolution. The resolution that was entered into on the 22d of April was this, — and I beg the attention of all Gentlemen who are about to vote: —

That, according to the undoubted privileges of this House, and for the due protection of the public interests, the evidence taken by any select committee of this House, and the documents presented to such committee, and which have not been reported to the House, ought not to be published by any member of such committee, or by any other person.

Here is your resolution, which says that a certain thing ought not to be done; and here is an Honourable Member of the House, who declares that he will do that thing, and who claims it as his right and privilege to do it. I have to ask, that this may be decided between the House and the assumed privilege of a Member. Let the House step in. I have no favour to solicit. I am told, indeed, of the majority on the other side of the House. I care not. I know that this is an inconvenient question for me. I do know that there is a fire on my flank, — I am told to expect another in my front. But, I say, here is a Gentleman avowing his intention to violate the rules of the House.

[Cries of "No, no!" and "Hear!"]

The Honourable and Learned Gentleman is claiming, as a right and privilege, that which the House has decided to be a breach of privilege. If I am guilty in giving a preference to the orders of the House over the claim of the Honourable and Learned Gentleman, let the House so decide. If the House prefer his letter to my letter, — his opinions to mine, — be it so. It is still not a question between him and me. Do not let that be supposed. It is a question between their own resolution and a single Member of Parliament, who, rising in his place, says, "I claim that as a privilege, which you (the House) say is not a privilege." But I wish again to tell the House, that if the Honourable Gentleman will, at the present moment, get up and say that he will abide by the orders of the House, I have no kind of objection; on the contrary, I am bound to move, myself, the insertion of his name. Let every Gentleman who is about to vote take that as his guide. If you are resolved to abide by your resolution, then enforce it. If the Honourable and Learned Gentleman—(I crave the attention of the House) — will abide by the resolution, I will, myself, insert his name. If he refuse, why, although I know of no such question having arisen before, yet I think the House of Commons will not consent to place a Member on a committee who refuses to declare his determination to abide by the resolutions of the House. Where, I ask, will this practice end, if it once begins? It will not be limited to committees, but will run through the whole of your proceedings.

Mr. WARBURTON. — Hear, hear, hear!

The CHANCELLOR of the EXCHEQUER. — Does the Honourable Member for Bridport mean to make mere waste paper of all the orders of this House? He, perhaps, may have such high and fanciful notions as to devising new regulations for the conduct of the business and proceedings of the House of Commons, that, probably, he would allow any Honourable Member, on the smallest imaginable difference of opinion, on the minutest point — the point of a needle — to exercise the right of private judgment, and set at nought the most solemn resolutions of this House. But, Sir, this were to establish principles which even that Honourable Gentleman cannot gravely propose to us to sanction. I say, again, if the Honourable and Learned Gentleman will only conform to the decision already recorded by this House, on the subject of publishing the proceedings in committees, I will put his name on the list as one of the committee. But if — the Honourable and Learned Gentleman, on the contrary, still refusing to abide by the decisions of this House — it should still be the pleasure of this House to put him upon that committee, I would say, let the responsibility rest, not upon the Government, but upon the House itself.

One word more. I have argued this question upon general principles. If this were a committee on the combination laws, or on the state of the factories, or on the condition of the London Docks, these principles would equally apply. The principles I have laid down are the right principles upon which it behoves this House to act; because it becomes this House, on all occasions, to uphold its own regulations.

And now, as I before intimated, there remain but two or three points to which I would address myself; and, first, as to the peculiarity of this inquiry, I will not be induced, by any taunts of the Honourable Gentleman opposite, with respect to the course I have now taken, as compared with the course I have previously taken, to go one point beyond the single subject matter now under discussion. But every Gentleman, whether he argue in favour of inquiry or against inquiry, must be aware, — and I cannot appeal to an authority whose words were more strong or more powerful on this point than those of the Honourable and Learned Gentleman himself, — that this inquiry is of a peculiar character; that it may involve private character, private fortune, services rendered, and all manner of disclosures, — disclosures, however, that I hold to be necessary, under the exigency of the present case.

["Hear, hear!" from the Opposition benches.]

I give the Honourable and Learned Gentleman the Member for Oxford (Mr. Maclean) full credit for that cheer. I ask him, are there not circumstances that may make it necessary to inquire into such matters as I have described? Then what becomes of his cheer? It does not tell against my argument. On the contrary, it supports my argument. Now, I put it to the House, if the proceedings of this committee, before they report, are made known through the daily journals, *de die in diem*, — if a charge is brought against an individual of having received a pension unjustly, and under circumstances which would not justify its continuance, — if such evidence as this be made known to the world on a Monday, and is to remain without contradiction until the following Saturday, are you prepared, — above all, are you, who oppose all inquiry, prepared to inflict upon that individual the additional pain of publicity, — to the pain which an uncontradicted rumour, an unfounded charge, perhaps, may have already fixed upon him? I say, it is not just. If such a publication were right with respect to every other description of inquiry, it would not be right with respect to one of this peculiar character. While I am desirous of giving full and entire effect to the intentions of the House of Commons, by obtaining the fullest investigation of all facts connected with the Pension List, I am equally desirous, and you ought to be equally determined, to prevent such an investigation being made the means of harassing and disturbing the private peace and happiness of individuals; and I am resolved, as far as I can go, that the committee shall not be perverted to any such purpose.

It is on these grounds, looking, first, to the general grounds upon which a question of this nature should be entertained; next, to the laws and usages of Parliament; and lastly, looking at the particular case which is before me, — that, without obtaining the pledge of the Honourable and Learned Gentleman, I do not feel warranted in putting his name upon the committee. Let him give that pledge now, and I shall be ready to vote for him. Or let him say he will not give that pledge, and then vote for him if you will; I cannot. This is the alternative. Vote against your own resolution, and confirm the Honourable and Learned Gentleman in his violation of it; but let us know what it is that you will do. Let him say that he considers he was called upon by my letter in too categorical a manner, and that it required him to condemn himself, but that now he is ready to adhere to the decisions of this House. I have already read to the House that letter; and I appeal to everybody who hears me, whether it can really bear any construction of that kind?

[Loud cries of "Hear, hear!" from the Opposition.]

Well, I do not so understand the letter. The Honourable and Learned Gentleman says himself, in his answer to my letter, that "circumstances may arise," which would render such a publication inexpedient and unjust to individuals, but he reserves to himself the full power of exercising his own judgment in all cases. Here it is clear that he reserves to himself the full power of suggesting his own commentary on these two subjunctive words; but I do not wish to leave to the Honourable and Learned Gentleman the power thus to comment upon the resolutions of the House of Commons. All I ask is, that he will engage to adhere to them. I do not ask the Honourable and Learned Gentleman to give any engagement for any object of my own whatever, but to engage to observe the rules of the House. If you are disposed to depart from those rules, then strike them out of your journals. If you approve of them, give me your support and authority to enforce them,—to ask for an engagement that they will be observed by those whose names I propose for a committee.

I shall now take the liberty to read the names, which, of course, do not include the name of the Honourable and Learned Gentleman (Mr. Harvey). They are—Lord John Russell, Mr. Grote (who voted for a previous inquiry), Mr. Bannerman (who voted for a previous inquiry), Mr. Plumtre (who voted for a previous inquiry), Mr. Hume (who voted for a previous inquiry), Mr. Sanford, Mr. Hawes (who voted for a previous inquiry), Mr. Alderman Copeland (who voted for a previous inquiry), Mr. William Evans (who is no longer in Parliament), Mr. Pendarves (who voted for a previous inquiry), Sir Eardley Wilmot (who voted for a previous inquiry), Mr. Handley (who voted for a previous inquiry), Lord Ebrington, Mr. Rickford (who voted for a previous inquiry), Mr. Strutt, Mr. M'Leod, Mr. Goddard, Mr. Phillpotts, Mr. George Evans, Mr. Villiers Stuart (all of whom voted for a previous inquiry), and if the House choose to nominate me, myself.

[Hear, hear, hear!]

The majority of the Gentlemen, therefore, whom I have named, have, on former occasions, voted for the inquiry and against the then Government, and it cannot now be said that I have not fairly adopted a material part of one of the suggestions which have been made.

Mr. HUME. — I think the House will allow me to observe, before the proposed names are read from the chair, that, as the full number of twenty-one is proposed, the House cannot, consistently with its Standing Order, add the name of the Honourable Member for Southwark, which would make twenty-two, without proceeding to the invidious task of rejecting one of the names mentioned by the Right Honourable Gentleman the Chancellor of the Exchequer.

The CHANCELLOR of the EXCHEQUER. — It will be open to the Honourable Member for Kilkenny, or any other Honourable Member, to move that the complement of the committee be increased beyond the usual number.

SIR GEORGE SINCLAIR. — I have listened with great attention to the exordium of the Right Honourable Gentleman the Chancellor of the Exchequer; and I must say that the arguments which have been advanced by him for the exclusion of the Honourable and Learned Member for Southwark appeared to me to be very like those which would be urged by the Government, supposing it to be its desire that there should be no inquiry into this subject, at all. After listening, however, with the utmost care to the speeches of the Right Honourable Gentleman and the Honourable and Learned Member, I must say, that I cannot bring myself to the belief that great injustice will not be done if the Honourable and Learned Gentleman be omitted. I gave notice of a specific motion on this subject, from the opinion which I entertained that the knowledge of this question possessed by that Honourable and Learned Gentleman was very valuable, that his talent was great, and his sincerity most unquestionable; and because I thought the public would never be satisfied with the appointment of this committee, if the name of one who, for so many years, had devoted those qualifications to the inquiry, were to be omitted. I think that, in the correspondence which has been read, the Honourable and Learned Member was perfectly right. I conceive that the proper course to be pursued would be to appoint the Honourable Member; and if he should publish any of the evidence, and should thereby infringe the just privileges of the House, that such infringement should be brought distinctly before the House. Let it be stated by the chairman of the committee to this House that there has been an infraction of the law of Parliament, by publishing the evidence, and I myself would be one of the first Members to vote that the offence should be visited by condign punishment. But I think it a very hard case that a condition or a stipulation should be required of the Honourable and Learned Member, which is not exacted of any other Gentleman; and I am of opinion that the Honourable Gentleman owes it to himself, to his own character, and to the situation which he fills as a Member of Parliament, not to accept an appointment upon the committee under the proposed condition. There are, moreover, other circumstances connected with the previous situation of the Honourable and Learned Member for Southwark, which must render it peculiarly painful to his feelings to be thus excluded on the present occasion. I was a member of that committee which, on a former occasion, investigated the case of the Honourable and Learned Gentleman, and I think that, in that committee, he was very ill treated. I thus briefly allude to these circumstances, in standing forth on the present occasion, because I think they may serve to show that it is peculiarly incumbent upon us to treat the Honourable and Learned Member with all fairness and courtesy. Upon a consideration of the whole history of this question, and remembering, especially, how ably and repeatedly the Honourable and Learned Gentleman has brought it forward in this House, and how completely he is master of its merits, I must say, — when the Right Honourable Chancellor of the Exchequer tells us that he has reappointed the whole of the former committee, with the exception of the Honourable and Learned Gentlemen, — that, if the Honourable and Learned Gentleman's name is to be omitted, it might as well not sit at all. If it be true that the same Learned Gentleman's name was omitted from the last committee of this nature, that is, in itself, a powerful reason why it should be inserted in the list of this. It is worthy of observation, that the Honourable and Learned Member has not been appointed a member of the Civil List Committee, either. As to the names of the Gentlemen whom the Chancellor of the Exchequer proposes, to form the committee which is at present under our consideration, I have only to observe, that so far as I have yet been able to form an opinion, it appears to me to be a very fair one. But I am quite satisfied that, if the name of the Learned Member for Southwark does not appear upon it, the public at large will not be satisfied with your proceeding. I have no wish to detain the House further, at this late hour; but I really thought that, in a matter of this sort, I had no alternative but to deliver my opinions in the case. I will now, therefore, conclude by moving that the committee do consist of twenty-two members, the name of Mr. Harvey being added.

Mr. MACLEAN. — I shall offer but a very few words to the House, because I feel the necessity of proceeding with the business of the House relative to the Civil List; but I do think that it is equally important to come to a decision upon the present question, in which the dignity and character of this House are so deeply involved. The Noble Lord, who spoke in the early part of the evening upon this question, stated that his reason for objecting to the insertion of the Honourable and Learned Member's name was, that on a former occasion the Learned Gentleman had transgressed the orders and specific resolutions of the House; but if the Honourable Member had committed such a violation, why was he not brought to the bar of the House, or charged with the infringement in his place in Parliament, instead of being allowed to go on publishing the proceedings in question day by day? Why did not the Right Honourable Chancellor of the Exchequer come down to the House and ask us to rescind that resolution, if he did not approve of it; or, if he did, to enforce it? The reason assigned is, that the Noble Lord has known many persons become almost political martyrs in virtue of their opposing the privileges of Parliament; and that it was not, therefore, prudent to bring this matter forward. If this be a good reason, of what use is the order of the House? If it may be put at defiance with impunity, why does the House not repeal it? If the Honourable and Learned Member should infringe any privilege of this House, the House is perfectly able to protect itself. Why demand this species of preliminary pledge? The course taken by the Government is not consistent with the usage hitherto pursued. If I rightly understood the statement of the Honourable and Learned Member, it amounts to this: "I will not enter into an agreement to preserve intact the privileges of the House, and which, I contend, may not prove to be privileges. If I violate any privilege of the House, you may proceed against me, as you may against any other individual. If, in defying your orders, I commit any offence, you have the remedy in your own hands; you may bring me to the bar, or you may tax me in my place, and you may then take the opinion of the House whether your order be founded in justice or not." Another argument which was used by the Right Honourable Chancellor of the Exchequer against the appointment of the Honourable and Learned Gentleman was, that, during the investigation, a great deal of delicate evidence must be called for, and if, day by day, the inquiries were published to the world, and the facts, where they could — as they might, eventually — be refuted, were left uncontradicted, much injustice would be committed. But, even if this were so, on the first occasion that a breach was committed, the chairman of the committee would come down to the House with redoubled force to carry the resolution into effect, because the publication would have taken place in direct defiance of their authority. If the Honourable and Learned Member's name be not inserted, it has been said that this inquiry will be a mere mockery. But if the House be not prepared to vindicate its authority, is it not making a mockery of all parliamentary law — is it not tantamount to saying, that we have not the courage to vindicate our own resolution — to propose such a course as that which has been recommended by the Right Honourable Gentleman? May we not as well burn at once our Order Book? Why, we should be laughed at out of doors; and if we ever bring any one to our bar for infringement of our orders, shall we not be answered, "You were afraid to touch Mr. Harvey; you could not justify your own opinion, and you dared not arraign him, though you are willing to punish me."

LORD VISCOUNT EBRINGTON. — There was one part of the observations of the Honourable and Learned Member for Oxford in which I fully concur, namely, that, considering the particular views which have been announced and expounded upon this subject by the Honourable and Learned Member for Southwark, it is right that that Learned Gentleman should be admitted by my Right Honourable Friend into the committee which he is about to nominate. But, I must say, whilst concurring with the Learned Member for Oxford, and other

Honourable Gentlemen who have spoken, to this extent, that they do seem to me, by the general effect of their argument, to have afforded the best justification to my Right Honourable Friend for not putting the Learned Member for Southwark on the list of that Committee. What say the Honourable Member for Oxford and his Honourable Friends? "Put the Learned Member for Southwark on the committee, and if he presume to violate the rules or resolutions of this House, bring him to your bar, and visit him with condign punishment." Why, what would be the answer in the event of my Right Honourable Friend pursuing such a course? What would have been said supposing that he had actually done so? Would not the Honourable and Learned Gentleman himself, if brought to the bar, reply, "You put me on this committee, knowing, from past experience, what course I should be likely to pursue, under the influence of those opinions — opinions which you were aware that I still retained — upon which you must have been sensible that I should continue to act, and be, in some degree, justified in acting, from the circumstance of your not having previously visited them with any punishment." Might not the Honourable and Learned Member for Southwark have justly attributed to my Right Honourable Friend the Chancellor of the Exchequer, and to the other Members of her Majesty's Government, the treachery of having placed him on the committee for the purpose of inducing him to commit the offence, and subsequently bringing him to the bar of this House, in order to render him amenable for that offence? If my Right Honourable Friend had indeed done anything of this sort, I, for one, should have considered it a proceeding utterly unworthy of him, and one which would have justly exposed him to the severest imputations of acting upon mean and mistaken counsels. Then we have been told, that in this case the House has a public duty to perform towards itself and towards the country. I must be allowed to add, that, in my judgment, we have a duty to perform also towards individuals. I have voted for this inquiry with a desire that it should be as full, searching, and complete as possible. But, at the same time, I have voted for it with an anxious desire that no unnecessary aggravation should be occasioned to the feelings of the persons whose pensions and allowances are to be inquired into by any *ex parte* disclosures and statements, from day to day, by which injurious and mistaken impressions may be produced, and personal feelings wantonly distressed. I have no sort of wish to speak in any way disrespectfully of the Honourable and Learned Member for Southwark, and I have no right to impeach the exercise of his discretion in this or in any other case; but this I will say, that after the experience which we have had of the course which that Honourable and Learned Gentleman thought fit to pursue in the case of the committee on the poor laws, I, for one, should feel hardly satisfied, if I were a member of the Civil List or Pensions committee, were it open for any other member to publish *ex parte* reports of the evidence taken before it. For these reasons I shall vote for the motion of my Right Honourable Friend the Chancellor of the Exchequer.

LORD VISCOUNT CASTLEREAGH. — I never did, and never will, give a factious vote in this House. I have never considered it to be within my province to do so; I hope I shall never be guilty of such a proceeding, and was never less disposed to be so than in the present instance. But I cannot conceive that when her Majesty's Ministers have appealed to the country, and have proposed to institute an inquiry into this Pension List, on the ground that there exist serious abuses in it — I cannot conceive that they have sufficient reason for refusing to insert upon the list of that committee the name of the Honourable and Learned Member for Southwark, who can contribute more information, perhaps, than any other Member upon the subjects of its investigation. For my own part, I have no wish to inquire at all into the pensions of any of those individuals whose names are on the Pension List.

[Loud cries of "Hear, hear!"]

I tell those Gentlemen who cheer, that this disinclination on my part is founded upon principle, for I am unwilling to rip up old sores. Speaking of old sores, I must say, that I think the Learned Gentleman put a very strong case to the Noble Lord the other night, when the Noble Lord stated that he could not refuse to express his conviction that very many hardships must occur under the proceedings of the committee, whenever that committee was instituted. That principle, however, being once conceded, I am quite as willing to allow the Honourable and Learned Gentleman to be on this committee as I should be to permit any other Honourable Member to be a member of it. If the country is to understand that the Pension List is to be held up to a rigid scrutiny, then let the country understand what species of inquiry it is proposed to institute. But do not let this House stultify itself by permitting the country to infer that there is one Member in this House whose influence they are afraid of, and whose searching eye they shrink from encountering. Let not Her Majesty's Ministers say, that "there is one Member of this House whose support we occasionally receive and avail ourselves of, but let it not be imagined that that support can be accepted on the present occasion." I would, therefore, entreat her Majesty's Government to make use of the acute and searching eye of the Honourable and Learned Member for Southwark, and I am sure they will do themselves much more credit than by leaving him out of the committee. It is perfectly immaterial to me what names are put on this list, or who shall sit most constantly on the committee; but of this I am perfectly certain, that the Honourable and Learned Gentleman will bring as large a supply of facts, and contribute as much valuable information, as any other of the Honourable Gentlemen whom I see opposite to me.

Mr. WARBURTON. — I must say, of the several arguments which have been adduced by her Majesty's Government against the admission of the Honourable and Learned Member for Southwark on this committee, that they are arguments which, if Members of this House were to act upon them generally, would amount to a positive proscription against the Honourable and Learned Member for Southwark's sitting, not on this committee alone, but on any select committee whatever, which the House may hereafter appoint. Any Honourable Member might put a similar question to the Honourable and Learned Gentleman in respect of any other inquiry which such Honourable Gentleman may think proper to institute, and which the House, on his proposition, may be pleased to direct. He may put this question to the Honourable and Learned Gentleman, and to him alone:—"Do you intend, if you are placed on this committee, — do you intend to abstain from taking advantage of the opportunity which such appointment may give you of publishing the evidence to be taken before this committee, in a newspaper?" If any Honourable Gentleman may challenge, under such circumstances, the answer of the Honourable and rned Member to an application of this sort in the same manner as her Majesty's Government have done on the present occasion, — and if the answer of the Honourable and Learned Member should be to the same effect as it has been in this instance,— then the result, namely, the refusal to nominate the Learned Member on any such committee, may become quite a general rule. I must say, that to such a question my Honourable and Learned Friend, without violating an important principle, could never reply, except by declining to answer at all. I must also declare, that the course which has been pursued by her Majesty's Government, on the present occasion, is precisely that course which I would have pursued if I had wanted to exclude the same Honourable Member from sitting on any given committee. The effect of the course which has been taken is, most decidedly, to exclude him from sitting on this committee; but, at the same time, to save appearances, by putting the alternative of that exclusion upon my Honourable and Learned Friend. I contend that the Learned Member for Southwark, as a man of honour, ought to give no other answer than he has given to the Chancellor of the Exchequer. That Right Honourable Gentleman has taunted me with the cheer which I gave at one portion of his speech, and said, — "What! will you not require that the orders and resolutions of this House be enforced and obeyed? Are you prepared to put your argument on the precedent of an individual who has said that he will not conform to the resolutions of this House, or used some such expressions as those? Will you disobey the orders of the House, as the Honourable and Learned Member for Southwark says he is prepared to do, with regard to the orders of the Committee?" I will say, upon this point, that I never knew a case, yet, in which this House has run a race with the newspapers, upon a point of publication, in which it has not been beaten.

[Loud cries of "Hear, hear! Hear, hear!"]

I repeat, advisedly, that I never knew a single instance in which such a result has not certainly followed — not a single one. Point out to me one, if you can. The history of the publication of our debates is strictly in point. This began by an infringement of the orders of this House. The whole principle upon which the newspaper reports of our proceedings are published is nothing but an infringement of the orders of this House from beginning to end. To the present day it remains such. We have gradually, year after year, been letting more daylight into our proceedings. I have never seen any good result from concealment in in these matters. I have sat, myself, on secret committees, but I have never known one in which anything has occurred that might not have been heard and published at Charing Cross.

Now, in the next place, let me advert to what sometimes takes place when we are debating with closed doors. I well remember a debate of this sort, upon which occasion my Honourable Friend the Member for Kilkenny (Mr. O'Connell) and myself made, very much in haste, and very much, to be sure, against the rules of this House, the best report that we could manage to prepare of the discussion, and, strange to say, it appeared next morning in the London newspapers. We were called to account, upon the next meeting of the House, for our share in this transaction; and we thought proper to confess ourselves to be the reporters on that occasion, and the very individuals who had communicated the report to the newspapers. By the very same rule that this extraordinary question has been addressed by the Right Honourable Chancellor of the Exchequer to the Honourable and Learned Member for Southwark, you ought to put a similar question to any Member before he is put on a committee, as to whether or not he has been a party to the publication of our debates in a newspaper; and, carrying out the same principle, some Honourable Gentleman should have got up and advised the exclusion of my Honourable Friend, the Member for Kilkenny, and myself, from all committees of this House, unless we should, each of us, be ready to promise that we would never again report any debate that may take place here with closed doors, and religiously bind ourselves by a vow to abstain from all such publications in future. I say that we violated the rules of the House on the occasion I have mentioned. Whether we did judiciously or not, I will not now pretend to argue, — but we did violate the rule, just as the gentlemen who sit in that gallery are at this moment preparing to violate your orders, by apprising the public, to-morrow, of what is transpiring among us, to-night.

[Much laughter.]

Well, is it not so? If my Honourable and Learned Friend has violated the regulations of this House, he must be prepared to take the consequences of such violation, just as I and my Honourable and Learned Friend the then Member for Kilkenny were prepared to abide by the consequences of fairly reporting a debate which took place here with closed doors, had we been called up for judgment at that time. With regard, then, to the present proceeding, I look upon it, clearly, as an idle and foolish attempt to shut out daylight from that which, notwithstanding, will be just as well known within a very few hours after the publication of the proceedings and debates of each day's sitting in this committee, as if those debates and proceedings had been of a public nature. I have never known, in short, any good to result from attempts of this description. As I said before, that the name of my Honourable and Learned Friend should be on this committee is what the public will undoubtedly expect, and have a right to expect; and I cannot conceive what mischief can arise from this being done. I forewarn her Majesty's Government that, unless this legitimate expectation be satisfied, instead of the labours of this committee leading to any satisfactory settlement of the Civil List and the Pensions questions, they will only create serious dissatisfaction in the public mind, and originate a strong impression that its interests have not been fairly represented.

SIR ROBERT PEEL. — I will state, very shortly, the grounds upon which I shall give my vote upon the present occasion; and I feel that, if I cannot do this shortly, I shall have little chance of expounding those grounds at all. I need not now repeat what I have before stated, that I entirely dissent from the course taken by her Majesty's Government with respect to the nomination of this committee. I object to the inquiry, upon principle, — I still think it an unjust one. I am of opinion that, if it was necessary that it should be instituted at all, — if the Queen's Government were prepared, as the responsible advisers of the Crown, to advise the Crown, on a new accession and the consequent termination of arrangements theretofore existing, with regard to such pensions, by the demise of his late Majesty, — if her Majesty's Government were prepared to sanction the institution of such an investigation, and to cause it to be fully entered upon,—it ought to have been undertaken by the Crown itself; because I am convinced that the Government ought, in a matter of this sort, to take all the responsibility which fairly devolves upon it. I confess, therefore, that I think it would have been infinitely better for the Government to have performed this duty, if duty they deemed it to be. But if, on the principle which was advanced by the Noble Lord (J. Russell) at the commencement of the Session, that the King's Government are not responsible — nor bound to take on themselves the responsibility — for whatever measures their supporters may originate, — if that was their view on the present occasion, and if, as they stated in the beginning of the Session, they did not feel themselves disposed, as the responsible advisers of the Crown, to originate this inquiry, — then, I say, it was their bounden duty to have resisted it. I think that either of these courses would have been infinitely better, for the sake of the Crown itself, for the dignity of the Crown, for the prerogative of the Crown. It would have been infinitely better, even if they had not been able, or had deemed it impossible to offer any effectual resistance to inquiry by a committee, to have allowed the appointment of such committee to have been the act of the House of Commons itself, so that it might not have been adopted by this House as the act of her Majesty's Ministers.

I entertain such strong objections, upon principle, to the course which has been adopted, that I have, myself, declined to act upon the committee; and though, on other occasions, even after I have entertained merely doubts upon the propriety of the appointment of any committee, if the sense of the House appeared to be in favour of it, and if a mere matter of policy have been involved in the inquiry, I have never declined to serve; yet where, as in this case, a point of justice intervenes, I have felt it imperative upon me to decline taking any part in the labours of the committee. I have declined, in my own case, to take upon myself any responsibility in this matter, and the question now is, whether I should transfer this responsibility by suggesting the nomination of any other members of the committee, — whether I should vote for the insertion of any other Honourable Member's name? This is a question on which I should have been very much inclined, if I thought it consistent with my character of a representative to adopt such a course, not to give a vote at all; but I hold that that is a most shabby sort of proceeding, and there are but few cases which justify a retirement from the House without voting. I cannot reconcile it with my duty to evade the responsibility of saying ay or no on the present question; and I declare, without hesitation, that I shall vote against the amendment moved by my Honourable Friend the Member for Caithness (Sir George Sinclair). I would place on no other Member the responsibility which I have myself declined — I would suggest the name of no Honourable Member attached to the party with whom I have the honour to act, to be a party to any act of that committee. I do not exactly attach that weight which the Chancellor of the Exchequer attaches to the mere fact of publication. I find, that of the twenty-one suggested Members, fifteen are from that (the Ministerial) side of the House, and only six from my own supporters. Of this I make no complaint. I care not for the proportion of Members from one side or the other; but I adopt the broad principle of avoiding the suggestion of any name. I do not attach so much weight as some Honourable Members seem to do to the reason assigned by the Right Honourable Gentleman the Chancellor of the Exchequer for his refusal to insert the Honourable Gentleman's name because he misunderstands the privileges of the House, as is inferred from the mere fact of publication; but I think there is another ground which will induce me to refuse to concur in the insertion of the Honourable and Learned Gentleman's name. At the same time, when I consider the nature of the inquiries to be conducted before the present committee, — when I recollect the course which the Honourable Gentleman has taken in the Poor Law Committee, — when I understand that he claims for himself to pursue the same course, and to be exempt from the operation of those resolutions which are held by us to be binding upon all others, — when he refuses to be bound by the usual regulations of this House, — when he repudiates the authority of those general regulations which form a portion of the orders of this House, — when he declares his intention of altering the object of a select committee, — when he asserts the privilege, which I presume he will not deny, to select some individual newspaper, and publish in that, from day to day, the evidence which he may have heard in a committee of this House; — I say, adverting to these particular circumstances, that I do think that there are other grounds besides those which have been stated by the Right Honourable Gentleman why the name of the Honourable and Learned Member (which grounds, however, I do not throw altogether out of consideration, though not attributing to them the same weight which the Right Honourable Gentleman appears to do) ought not to be added to the committee. The Honourable Member for Marylebone has, indeed, stated that the House cannot prevent the evasion by the Honourable and Learned Member for Southwark, of their resolutions; and I agree with him that it is true that any Member of Parliament, if the committee be not a secret one, may claim the privilege, as a Member, of attending the committee room, and, though he may not vote, yet, in defiance of their regulations, he may subsequently publish the evidence he may hear in the committee room. This may possibly be so, and I am afraid there would be a difficulty in preventing it; but, then, there is a great difference between my tolerating what I cannot prevent, and my being a party to the sanction of that act which I disapprove of. I must take my chance of that, and I must enforce, by the best means available to me of upholding them, the orders and regulations of this House;—but here the proposition is, that I must be a party to the nomination of an Honourable Gentleman who claims, beforehand, the privilege of violating the rules. If he tells me, beforehand, that he claims to himself this privilege, and, after I have consented to his nomination, he exercises it, and by reason of its exercise injustice is done to any,—then, it is evident that I become a party to that injustice; and thus my position would be very different from what it will be now, when I take away from the same Gentleman the chance of doing that which I believe to be unjust and contrary to the regulations of the House. The Honourable Gentleman the Member for Southwark, I am sure, will acquit me of any intention to say any thing disrespectful towards him, in the whole course which I have taken. He will see that I am to look for the best manner of administering impartial justice, and enforcing the regulations of this House; and if I fail in accomplishing these objects, I shall at least have the satisfaction of knowing that I have endeavoured to do my best.

I find it really very painful for me to be called on to express an opinion upon this point; but, as the proposition is forced on me, I tell the Honourable Gentleman, fairly, what is the ground on which I must refuse to concur in his appointment upon such a committee; it is simply for this reason: that I have heard him express such opinions with respect to the principles upon which such an inquiry ought to be conducted,—I have heard that Honourable Gentleman throw such suspicions upon the motives which influenced the grants of pensions in these cases,—I have heard him indulge in such sarcasms upon the persons to whom these pensions are paid, that it is actually impossible for me to concur in his nomination upon any such committee. Now, that is the ground on which I distinctly refuse to incur the responsibility of acquiescing in the proposition of my Honourable Friend. I say so particularly after the two speeches which, in the course of the present Session, I have heard that Honourable Gentleman deliver with respect to the Pension List. And when I have heard him speak of females of high birth and great amiability, and perhaps of advanced years, and have observed the suspicions and insinuations which he has endeavoured to cast upon them,—and when I recollect that these parties are liable to be brought before that committee,—I must at once declare that after those speeches, and those insinuations, I will not be a party to concur in the nomination of the Honourable and Learned Gentleman; and therefore, on this occasion, I shall vote with the Right Honourable Gentleman opposite.

MR. HUME.—The Right Honourable Gentleman has taken a sort of novel line of argument, which makes me regret that it did not give us an opportunity of hearing what is really the principle on which he objects to the appointment of the Honourable and Learned Member. The Right Honourable Gentleman objects to that appointment on account of the two speeches he has made with regard to the Pension List. Now, I might be objected to, also, on the same ground, for the Honourable and Learned Gentleman has not stated a single opinion upon this subject in which I do not most fully concur. I have had the honour to serve on many committees with some Members from whom I have essentially differed; but I hope that no Gentleman will say that they have found me factiously pertinacious in my opposition to them. I have always freely stated my own views on every question, but have been always ready to be bound by the opinion of the majority. The Right Honourable Baronet has, however, not offered any objection to the possibility of my name being on this committee; and yet I fully concur with the Learned Member for Southwark in this case.

SIR R. PEEL.—I know not whether it is the wish of the House that I should answer the appeal which has just been made to me. But if it had been proposed to place the name of the Honourable

Member for Kilkenny on the same committee, I should have resisted it. In some respects, my objections are not of a merely personal nature to the Honourable Gentleman. I object to take any share in the responsibility of appointing the committee; and when I speak of the principles on which the inquiries of that committee are to be conducted, I allude, particularly, to the strong opinion which has been expressed by the Honourable and Learned Gentleman, that the same principles which are applied to the poor law inquiry ought to be applied to the inquiries of the committee on Pensions. That was an opinion in which I could not at all concur, and which I considered to be wholly untenable. But I did also hear from that Honourable Gentleman (the Member for Southwark) certain sentiments, certain reflections and insinuations, I should rather say, which, without referring to them more particularly, I am sure must make them fresh in the recollection of Honourable Gentlemen. I will only say, that there was something in his tone and manner quite as significant as the expressions he made use of on the occasion. When I consider this, and recollect the position, as I said before, and the circumstances of the parties, respectively, who may be called before the committee, I certainly will not give my vote for the nomination of the Honourable and Learned Gentleman on this committee.

Mr. M. ATTWOOD. — I will certainly give my vote for placing the name of the Honourable and Learned Member on the committee. I cannot think that the Right Honourable Baronet (Sir R. Peel) has given any sufficient reasons to justify the course he intends to pursue in voting against the appointment of the Honourable and Learned Member for Southwark On the other hand, I think that the conduct which has been manifested on the part of her Majesty's Ministers on this occasion has exhibited a mass of inconsistency. It rather infers a disposition not to do what they mean to do with good faith; and a design to inflict, by an indirect course, a censure upon a particular individual, which they will not venture openly to suggest. When they propose, in this way, to omit the name of an Honourable Member, to whom, and to whose exertions, it is principally owing that this committee has been appointed at all, and who possesses, beyond all other Members of this House, that degree of knowledge and preparation on the subject which is necessary to give effect to the proceedings of such a committee,—I must say that the Government can scarcely complain, if they labour under such an imputation. I must also repeat, with all submission to my Right Honourable Friend the Member for Tamworth, that I do not think he has made out a case, at all sufficient to justify his concurrence in this refusal to nominate the Honourable and Learned Gentleman on the committee. The Right Honourable Baronet has relied very much on certain expressions which dropped from the Honourable and Learned Member for Southwark, on a former occasion. I think the feelings which my Right Honourable Friend has expressed are only such as do honour to his nature; and I desire to be understood as cherishing those feelings as warmly and as sincerely as he does; but he must forgive me if I say that I think, on this occasion, he has allowed them to influence his judgment somewhat too much.

[Cries of "hear, hear!"]

Yes, I say, again, that it is claiming rather too much for feelings of humanity, however excellent in the abstract, to say that, out of regard for them, the Honourable and Learned Gentleman, whose name has been so much called in question, should, on account of certain peculiarities of tone and manner, which my Right Honourable Friend observed in his mode of treating the subject of these pensions, on former occasions, be excluded from this committee. On the other hand, I am bound to say, that I concur very much in the ground which was taken up against the Honourable and Learned Gentleman's nomination by the Noble Lord (J. Russell), and the strength of which was so much reinforced by the argument of the Right Honourable Chancellor of the Exchequer. "Do you mean," asked my Right Honourable Friend, "to support the rules, the resolutions, and authority of this House; if you do, you must vote against the appointment of the Honourable and Learned Member for Southwark on this committee. All you who are content to abandon the authority and to repudiate the orders and resolutions of this House, and to have recourse to others of a more liberal and modern character, may do well to vote for the appointment of this Gentleman. You, on the contrary, who are for upholding those orders and that authority, cannot — without violating your consciences, and your own individual impressions of the necessity of maintaining these regulations — support his nomination." Sir, I am for the Honourable and Learned Gentleman's nomination; yet I feel no such difficulty, — no 'such' compunction on that account, as the Right Honourable Gentleman seems to infer must visit those who concur with me on this occasion. I say, I am for enforcing the authority of this House, — for enforcing, in the fullest manner, all its rules and regulations, and proper privileges. But I will not condescend to resort to the enforcement of them, upon any such footing as my Right Honourable Friend the Chancellor of the Exchequer has thought proper to put it; namely, that the appointments of Members to serve on a committee of this nature should depend upon the result of a private correspondence and negotiation which has been carried on between the Chancellor of the Exchequer and a certain Honourable and Learned Member of the House, but to which I do not choose to attach any greater degree of importance than I should assign to any private epistolary correspondence. Sir, this House has recognised and constitutional means, — means of enforcing its own authority and regulations. I am for employing those means only, in any case in which its rules and regulations are infringed upon. But I say, let this House rather abandon its rules, its regulations, its privileges, its authority, than sanction a course such as that now suggested by his Majesty's Ministers; which, in my judgment, would amount to an usurpation of the rights of this House, and an infringement on the privileges of the people. "On a former occasion," says the Right Honourable Chancellor of the Exchequer, "the Honourable and Learned Member for Southwark openly and confessedly violated a specific direction of a committee of which he was a member. What, then, ought to have been the course adopted with regard to that Honourable and Learned Gentleman? Why, that that committee ought to have enforced its own direction or resolution; and that, in the event of its violation, they ought to have brought the matter before the House of Commons. The committee had the means of doing so; this House had the means of responding to such an appeal from the committee. What is the duty of the committee about to be appointed, but to make certain regulations and orders, — abstractedly considered, perhaps of an unimportant character; but in a parliamentary and even constitutional sense, probably of the most vital importance; — and to insist upon their being carried into effect. Let the committee call upon the House to enforce them. There can be no doubt that this House would at once proceed to the discharge of its duty. But my Right Honourable Friend the Chancellor of the Exchequer says, "That is not what we rely upon." He says, "If we find an Honourable Member who will not observe the rules which we, in our committees, lay down, it is in vain to attempt the observance of those rules by any other means but proscription. We will accordingly adopt a course to put a ban upon such an individual of a nature that shall operate to exclude him from being appointed on any committee whatever."

Now, I desire the House to consider how monstrous an assumption this is; — to what enormous encroachments on the privileges of the subject such a course of dealing on the part of the Government amounts to. The people, or certain classes of them, qualified for that purpose, according to the law which we have enacted, return a certain number of persons to represent them here. Every Member, as I understand the Constitution, enters this House as a representative of the people, upon a perfect footing of equality with any other representative of the people. Now, if this be so, is it competent for the Chancellor of the Exchequer to say that because, on some former occasion, some Honourable Member happens to have broken through some regulation, which, in a previous Session, was imposed upon him by a particular committee, therefore it shall be incompetent to such Member to exercise one of the most important functions which can devolve upon a Member of Parliament, or to participate in one of the most useful, and, probably, efficient investigations, which Members of Parliament can be called upon to undertake? If, from the non-observance of these rules or directions, which your committees have so laid down, the public business has, in any respect, not been conducted in a proper manner, give me leave to tell you that the fault was with yourselves. You should have looked after your own regulations. Let it be remembered, that the fact of this very imputed violation of your orders occurred in a former Parliament; and yet it is for that by-gone case that her Majesty's Government propose to exclude the Honourable and Learned Gentleman from the exercise of a duty, which he has at once the most undoubted right to discharge, and the most unquestionable ability to perform. I say that the House, in acceding to the proposition of the Right Honourable Chancellor of the Exchequer, assumes a right altogether inconsistent with the privileges of this House, — involving a direct infraction of the privileges of the people, and unwarranted by anything which has occurred in the conduct of the Honourable and Learned Member. I therefore shall give my vote against a course of proceeding which, if it shall be affirmed, I am prepared to contend is altogether unworthy of those constitutional opinions which should actuate a majority of this House.

LORD VISCOUNT HOWICK.—It has been remarked by the Honourable Gentleman who has just sat down, that the Right Honourable the Chancellor of the Exchequer, in proposing to exclude the Honourable and Learned Member for Southwark, has been guilty of an usurpation of power and an infringement of the privileges of the people, by proposing to omit him from the list of a committee for exercising one of the most important duties which his constituents sent him into this House to discharge. It rests with the Honourable and Learned Member for Southwark, and with him only, to say whether he is or is not a proper person to be placed upon a committee in such a special case as this? I say, in answer to such a charge, that we have no right to deprive a Member, who is a representative of the people, of the power of exercising one of the most important functions they have confided to him. We do not wish to wrong him out of one of the most essential privileges which attach to him in that capacity. What are the circumstances under which we are called upon to make a decision in a case of this sort? The House has determined,—and in my opinion they have determined most properly,—that evidence, until reported to this House by the select committee appointed to receive it, shall not be published by any member of that committee, or by any other person. It is not, as the Honourable and Learned Member for Oxford supposes, a mere question as to the time at which the publication is to take place, but it is a question whether evidence not reported to the House shall be published by any member of that committee? I appeal to every Gentleman who is in the habit of sitting on committees, whether one of the questions most frequently discussed by them is not this, whether particular evidence is or is not fit for publication? I see, now, an Honourable Baronet (Sir W. Molesworth) sitting next to the Honourable Member for Southwark. That Honourable Baronet, I am sure, cannot have forgotten that, last year, when he was chairman of the select committee on transportation, a great deal of evidence was given which it was the unanimous opinion of that committee was not fit for publication; and before we agreed on the evidence to be reported to the House, we struck out those portions I refer to from the minutes of the committee.

What, then, is the pretension which is now assumed or set up by the Honourable Gentleman? It is this. That the question which, according to the practice of Parliament, it rests with the committee to decide upon, is as to the publication of evidence taken before it. That is a very nice and a very delicate question to determine: namely, as to the fitness or unfitness of particular evidence to come before the public; and upon this question it is always for the majority of a committee to determine; but the Honourable Member for Southwark being on such a committee as this, he, of his own sole will and pleasure, has the power of overruling the decision of that committee; and whereas the twenty-one Members proposed by my Right Honourable Friend might say, "This or that evidence it is not, on the whole, desirable to publish;" yet, the Honourable Member for Southwark could reply, "You may decide as you please—you twenty-one Members may so determine, and your judgment may be very good; but in spite of the resolution you have unanimously come to, and in defiance of the rules of the House (that evidence is not to be published which you do not sanction), in spite of all that, I think the evidence ought to be published, and it shall appear in the newspapers to-morrow, in the teeth of your opposition." The Honourable and Learned Member perhaps may not use that which he seems to consider is his legal privilege, to this extent; but neither to that Honourable Member, nor any other Member, could he think of intrusting the discretionary power of overruling the decision of the majority of every committee of which he chances to be a member. The decision of the majority, on a point of this sort, in my opinion, ought to be binding.

I must add, with the Right Honourable Baronet opposite (Sir R. Peel), this much with respect to the speeches of the Honourable and Learned Member for Southwark, that, without wishing to say anything disrespectful of him, they proved that he, at least, is not a fit person with whom to leave such a discretionary power. I say that the Honourable Member, in the exercise of that which he believes to be his conscientious judgment, may come to a different conclusion from that of other members of the committee, as to what evidence ought to be published, and what not. Because there is, too, a farther consideration to be borne in mind beyond the decision of what evidence ought and ought not to be published: namely, that that decision has reference not only to the question, what evidence shall be published, and what shall not be? but to the condition, that if it be published at all, it shall be published in a complete and authentic form. That evidence is taken down by short-hand writers, whom we employ under the supervision of the chairman, and they are responsible to the House for the fulness and accuracy of these reports. I say, therefore, that I will not, for one, admit the right of volunteer reporters to give their reports of evidence in such a form, and published in such a manner, as may suit their own opinions or their wishes. I say, that to permit such proceedings to such parties, would be a course full of danger to the privileges of this House, and full of injury to the rights of individuals. The House, too, must not forget that there are many circumstances which make this question, at the present moment, of peculiar importance. Honourable Gentlemen can hardly have forgotten the proceedings which have taken place with respect to our right to protect the publications printed under our authority. In all the discussions upon that point, it was declared to be of the utmost importance that the members of our committees should exercise a sound discretion as to what questions should be proposed, and what part of the evidence received by them should be allowed to appear on their minutes, in order to avoid as much as possible the infliction of unnecessary injury to private individuals. If, then, we put this responsibility on committees, are we to allow a single individual to act on his own private judgment in opposition to the deliberate resolution of such committees, and, in spite of their rules or determination, to publish any part, or all of that evidence, in such form as he may think ought to be adopted? I have only further to say, entertaining these opinions as to the importance of our maintaining the rule which was unanimously affirmed by the resolution of this House, last year, that I entirely concur with the Right Honourable Baronet as to the great distinction which he says exists between our placing the Honourable Member upon the committee, and our tolerating his violation of its rules; if we find we cannot avoid tolerating, and if the question should be raised, I think we should find means to prevent it. I agree that there is a great difference between placing the Honourable Member on the committee, and allowing him to take advantage of his privilege as a member to publish the evidence. We shall, no doubt, find means to prevent such publication; but when the Honourable Member distinctly affirms, in the letter which has been read to the House, that he will not consent to put in abeyance what he calls a valuable privilege, but what the House deems to be a breach of its privileges, — I conceive we shall not be acting respectfully towards the House if we place that Honourable Member's name on the committee. But then, the Honourable Member for Bridport says, "Oh! we always get the worst of these discussions upon the question of publication," and it is true that great difficulties do inevitably attend upon all such cases.

With respect to the debates of this House, I agree with the Honourable Member that all attempts to prevent their publication have been and ought to be defeated; but I will say that with proceedings before select committees the case is very different. Having, in the course of my duties, served upon many committees of considerable importance, it has happened within my own experience to have seen the discretion of those committees exercised on several occasions, in withholding evidence from publication; a matter, this, of very considerable importance. On the Slavery and Transportation Committees, and many others, discretion has been exercised in this way. I cannot sit down without remarking that the Noble Lord, who says that he would not give a factious vote on this occasion, has been very unfortunate in coming down to the House prepared with a speech which does not quite correspond with the subject under our consideration. It was, indeed, prepared for his case, which he was aware of, namely, our unwillingness to place the Honourable Member for Southwark on the committee; but which was not at all suited to meet the reason we have assigned for that unwillingness. Our *bonâ fide* reason for objecting to it is, that the Honourable Member will not admit himself to be bound by the resolutions of this House regarding the publication of evidence. If he will distinctly state that he feels himself so bound ——

["Hear," and, "No, no!"]

I do not think it will be the slighest imputation on the honour or character of any Member of this House, if he will say that he is bound by the resolutions of this House. If the Honourable Member for Southwark will distinctly make this declaration, then my Right Honourable Friend the Chancellor of the Exchequer has said that he himself will move that the name of the Honourable and Learned Member for Southwark shall be put on the list of this committee.

LORD VISCOUNT CASTLEREAGH. — I was not aware that I should have to congratulate the Noble Lord on the conclusion of his speech, in which he has made an allusion to me, which I must take leave to tell him, was rather unwarrantable; because my speech, to which he alluded, I desire to state, was not a prepared one, as he says, nor did I come down to the House to-night at all prepared with any speech to deliver to the House. Perhaps the Noble Lord cannot say precisely the same thing. Though not so old, I believe, as the Noble Lord himself, I must further tell him, that he was incorrect in another particular; for it does so happen, that I was perfectly aware of the subject of the debate, and of the intention of the Honourable and Learned Member for Southwark, to publish whatever evidence might be adduced before this committee. But although I have not had so much experience as the Noble Lord, I did venture to think, in my simplicity, that this House of Commons might correct that error in the Honourable Member for Southwark, by allowing so much only of the evidence to be published as might safely, from time to time, go before the world; whilst at the tame time it was my wish to expose to the public the plan adopted by her Majesty's Government, who, whilst pretending to court every inquiry into the Pension List, are, in reality, adopting the very best means they can think of, for interposing such a plan of proceeding, as may cover over the inquiry, and screen it from public observation.

[Loud cheers from the Opposition, and cries of, "Spoke, spoke!" from the Ministerial benches.]

Oh, I have done; I rose only to explain, and I cannot sit down without once more congratulating the Noble Lord on having entirely misapprehended, or misinterpreted, my sentiments. I hope he will take my explanation in good part.

LORD HOWICK. — I thank the Noble Lord for his explanation, which has, however, left the matter considerably more obscure than it previously was.

AN HONOURABLE MEMBER. — I have but one observation to offer, in consequence of what fell from the Right Honourable Baronet the Member for Tamworth. He said that he was anxious not to take any share in the responsibility of this question; having had no share previously in the original suggestion, or in the nomination of the committee. In that view of the question, I, for one, entirely concur, and though, on that very account, I must agree with him, other gentlemen, who think with me on the merits of this question, are placed, with me in a very painful situation. I am convinced that from the omission of the Honourable and Learned Gentleman's name on this committee, it will go forth to the country that a desire prevails here to prevent a strict and searching inquiry into the whole of this subject. On the other hand, if we vote for the insertion of Mr. Harvey's name in this list, we, to a certain extent, make ourselves parties to any injurious consequences which may consequently ensue. Regretting, as I unquestionably do, to differ from the Right Honourable Baronet, under whose banner it has always been most gratifying to me to find myself arrayed, I must, I fear, on this occasion, come under the lash of his censure, and take that part which he has designated, in adverting to it, by the epithet "shabby." There are occasions, however, on which I think that it is justifiable not to vote on a question, even when it has been submitted, in this distinct form; and as I consider the present to be one of those occasions, I shall leave the House without giving a vote on this occasion.

MR. WAKLEY. — I have listened with very great attention to what has been said by her Majesty's Government on this occasion, and confess that I am not a little puzzled to get at the real meaning of what has fallen from them. The Right Honourable Chancellor of the Exchequer says that the name of the Learned Member for Southwark suggested itself, at the very outset of his proposition for the committee, as the very first that ought to be placed upon the list of it. Then, he went on to state, that he had heard certain observations from the Honourable and Learned Member which did make it very unadvisable to place his name on the committee. After all this, the Noble Lord (Howick) the Secretary at War told us, as his Right Honourable Friend had done, that if the Honourable and Learned Member had been excluded from the committee, it was his (Mr. Harvey's) own fault; that her Majesty's Ministers were, actually, most desirous of placing him upon it: "but still," continued the Noble Lord, "some expressions have escaped from the Honourable and Learned Gentleman, in the course of the preliminary discussions on this question, which render it, in the highest degree, inexpedient that we should give our consent to any such appointment." In the next place, the Right Honourable Baronet the Member for Tamworth has avowed,—and most frankly,—that the mode of examination which the Honourable and Learned Gentleman has intimated it to be his intention to institute in the committee does make it impossible for him to give his consent to the nomination of my Honourable and Learned Friend upon this committee of inquiry. And for my part, if I could, for one moment, believe that such an inquiry as that in question would be conducted on the grinding, cruel principles of the New Poor Law Act, I would give my vote against the institution of this inquiry into the Pension List altogether. But I will not commit a double injustice. I think the principles of the inquiries entered into under the new poor law are both unjust and cold-blooded. I will never consent to subject to the application of a similar mode of investigation those who have been for many years in the receipt of pensions, and who, themselves, are not, after all, in fault; for if there be blame attaching on this account to any parties, it must attach, not to them who have committed no offence, but to those who granted them their pensions. The imputed offence of my Honourable and Learned Friend, it should be recollected, is a mere point to conceal the real ground of objection to him, which is, that he is deemed an inconvenient person. He is too shrewd and discriminating for Honourable Members who would have to act with him on the committee. Yet, surely, that cannot avail as a sufficient objection in this House. Reference has been made to the Honourable Member's conduct in the Poor Law Committee. Now, I myself had the honour to serve on that committee, and I can say that I never witnessed more fair, manly, honest, or intrepid conduct on the part of any one, on any committee, than the whole deportment of the Honourable Member on that occasion. He did not attempt to shield himself from any responsibility. He said, at once, that he was the author of the publication of the evidence of that committee: and I do most distinctly assert, that the Honourable Gentleman did not pledge himself to act in violation of the rules of the House, as it is now stated he did, but that he did say, "If you think I am violating the rules and privileges of the House, bring forward the question, and take the sense of the House on it. Let the sense of the House, I say, be taken; but, in the mean while, I will not even tell you what I shall do after it shall have been so taken." This was the conduct, this the language, of the Honourable and Learned Gentleman. And what, let me ask, could be more fair? For one, I feel extremely grateful to the Honourable and Learned Member for what he has done in giving these publications. He has made the poor of the kingdom, and the friends of the poor, acquainted with what is passing in the committee, and he says to them, "If you have complaints to make, let them be made now, for here is a committee sitting." Is it not, I would ask of you, a farce to be so nice about a breach of your privileges, when within a few yards of you you behold your privileges violated daily? Is it not a violation of your privileges to publish your debates? and yet are they not published daily; and would the people of England submit to it if they were not so published? And yet this publication takes place in the teeth of your standing order for the exclusion of strangers. I am glad, however, that this discussion has taken place, for by it the people of England will be enabled to see how a man is treated in this House who stands up for popular rights — a man whose talents are an honour and a dignity to this assembly, as they are the pride of his English countrymen, and who sheds a lustre upon every subject that he discusses. It is a disgrace to this House to have permitted him to be so long and so violently persecuted as he has been. As to the inquiry respecting the Woods and Forests, the Honourable Member has been excluded from it; neither was he permitted to be on the inquiry into charities, when twenty unknown persons were placed on that commission. The people of England, I can assure you, are not unmindful of these things; and, instead of inflicting an injury upon the Honourable Member, the attempt to stamp degradation upon him, by presenting him to the world as an individual with whom the members of her Majesty's Government will not associate in a committee, will reflect honour upon him throughout the nation. I have seen enough of this House to know, that if a man, here, stands up for popular rights, he must always calculate upon violent ministerial persecution.

MR. EDWARD L. BULWER. — I

quite agree with the Honourable Gentleman who spoke last, that the Honourable and Learned Member for Southwark is certainly gifted with talents, if not unequalled, certainly not surpassed by those of any other Honourable Member in this House. Having, myself, served on committees of this House with the Honourable and Learned Member for Southwark, I can state that I have always known the Honourable and Learned Gentleman to have sincerely and conscientiously discharged his duty. I have always said that the Honourable and Learned Member for Southwark was an ill-used and injured man. Before, however, I approach the subject before the House, I must state that the Honourable Member for Finsbury (Mr. Wakley) began his speech with the most extraordinary misstatement possible. That Honourable Member has put into the mouth of the Right Honourable Gentleman the Chancellor of the Exchequer, and of my Noble Friend (Lord Howick), the sentiments which fell from the Right Honourable Baronet the Member for Tamworth.

[Cries of "Hear, hear!" and "No, no!"]

I beg pardon. My Right Honourable Friend the Chancellor of the Exchequer did not utter a single sentence respecting the opinions of the Honourable and Learned Gentleman the Member for Southwark upon the analogy he had drawn between the principles of examination applicable under the new poor law and an inquiry into pensions. The Honourable Member for Finsbury has also misstated the sentiments of the Noble Lord the Member for Northumberland. That Noble Lord (Lord Howick) did not say that there was anything in the sentiments of the Honourable and Learned Member for Southwark which ought to preclude him from serving on this committee; but he did say that there was something in his (Mr. Harvey's) sentiments which ought to make the House feel doubly the responsibility of intrusting the Honourable and Learned Member with discretionary power. I certainly approach this question with great reluctance. I still must think that the committee will not be satisfactory if the name of the Honourable and Learned Member for Southwark be omitted from it. But I have to consider this, whether it is not the greater evil of the two, that we should suffer one man, however able and influential, openly to disregard and disdain an express resolution of this House. The Honourable Member for Oxford (Mr. Maclean), and other Honourable Members who have spoken on this question, appeared to think that punishment is better than prevention. Instead of endeavouring to prevent the consequences that would occur to the Honourable and Learned Gentleman if he should persist in committing a breach of privilege, those Honourable Members seem to exult in the prospect of the Honourable and Learned Member being brought to the bar of this House. But what are you to do in such a case, supposing the Honourable and Learned Gentleman the Member for Southwark to persist in his publication? Will you send for the publisher or printer of the *True Sun*, and send him to Newgate? or will you call before you, and vote for the expulsion of the Honourable and Learned Member? There may be resolutions of the House of which it is very desirable that the infringement should be punished; but some of those resolutions may be strained too tightly. I have seen enough of discussions on cases of breach of privilege; and I think the House will be perfectly right to do all in its power to prevent being dragged into one, if possible. The real question before the House is this, — that we have to do justice to the public, to satisfy the public mind, and to remove misrepresentation. If the Honourable and Learned Member for Southwark is to have the power of *ex parte* publication, instead of satisfying the public mind, he will only inflame and irritate it the more. Besides, we have a duty to perform towards the pensioners. But they cannot hope for justice from the committee if they see one member intrusted with a power which none of the other twenty-one members have, and that man, too, the most eloquent, the most inveterate, and the most consistent of their enemies.

Under all the circumstances, what have her Majesty's Ministers done? They have acted, I contend, like men of honour. They never said — and let it go forth to the people, and be rightly understood — they never said, or proposed to say, that the Honourable and Learned Member for Southwark ought not to be placed on the committee. They made no such compromise. I clearly understand them to have done no such thing. On the contrary, they came forward and said, "We do full justice to your talents and your services, and we invite you to become a member of the committee. We fully appreciate the services you have rendered, but we shall, if compelled to form a choice, prefer even to your assistance, valuable though it might be, the certainty of fair play towards all parties. If you determine to persist in breaking through the rules and orders of the House, we, at least, are determined to vindicate them. We prefer, also, as men standing up for the dignity of the House, the declared resolution of this House to the opinion of an individual Member; and, finally, we prefer the prevention of a breach of privilege, to punishing it after it has been committed." I have to add only this, — that, having invariably voted with the Honourable and Learned Member for Southwark on all his motions for inquiry, I think it but fair and manly in the present instance to state that is with a feeling of regret I am compelled to vote against him on the present occasion; and I would yet trust that the Honourable and Learned Member will get up in his place and save further discussion, by saying that which no man need be ashamed to say, — "Though I could not succumb in a correspondence with the Chancellor of the Exchequer, I do not hesitate to say in the presence of the representatives of the people, that I will be bound by their opinion." This statement, in my judgment, the House has a right to expect from the Honourable and Learned Gentleman.

Mr. BORTHWICK. — I cannot conceive any course more unbecoming the dignity of the proceedings of this House, than that which has been adopted by her Majesty's Government on the present occasion. Neither can I remember to have heard speeches more extraordinary than those in which they have endeavoured to enforce that course. If the Noble Secretary at War, with equal courtesy and justice, thought fit to accuse the Noble Lord near me (Lord Castlereagh) of coming down to this House with a ready prepared speech, the Noble Lord near me could not retort upon the Noble Secretary at War, for the speech of the latter was unquestionably innocent of the slightest appearance of "preparation." If, indeed, there was any preparation in it, it resembled some of those combinations which chemists occasionally prepare, one ingredient or element of which neutralises another; so that the *residuum* is exactly represented by — *nil*. The Noble Secretary says, that to place the Learned Member for Southwark on this committee, would be to destroy the privileges of this House as asserted by a specific resolution. How do they seek to make good this case against him? They seem to reason thus: — "The Honourable and Learned Member for Southwark sat on a former committee: he gave the proceedings, and the evidence taken before that committee, to the public, in daily promulgations. Now, this House did not at that time, or since, call the Learned Gentleman to account for doing so; and, therefore, we, the Government, will" —— do what? Call him to account, now? Take some course, now, which shall make it at once improper and penal in any Gentleman, being a Member of Parliament, to venture on a similar proceeding hereafter? No. That is not the course which the Queen's Government propôse to take; but to administer a preliminary question to the Learned Member for Southwark, as to whether or not he will hereafter violate a given resolution of this House? Now, if the Honourable and Learned Member had answered that question in the affirmative, and had said, "I certainly will, if you place me on this committee, publish the evidence and proceedings, and thereby violate the resolution and vote, in virtue of which you propose to exclude me;" — then his exclusion would become a matter of necessity, as well as of right, and would carry the assent of the House with it. But what do they do in respect of the remaining twenty-one Members who are to sit on that committee? Do they make the round of these one and twenty gentlemen, and say to each and all of them, "Will you publish, or not, the proceedings of this committee?" What right had the Right Honourable Chancellor of the Exchequer to assume that the Learned Member for Southwark would fly in the face of a resolution of the House of Commons? Was it that that Honourable and Learned Gentleman had actually done so before? Why, if he had, it was the duty of the Noble Lord, who is the leader of this House, and who leads it so efficiently, to visit the infraction of its orders with signal punishment, and so to vindicate its authority in the face of the country. But the forbearance of the Government on the former occasion, contrasted with its present proceeding, does proclaim aloud, that there is one individual, a Member of the House of Commons, who beards its authority with impunity, and that this House of Commons has not the courage to bring him to its bar. If there be any triumph attaching to the privilege which the Learned Member for Southwark has sought to establish, he must certainly find it on the event of this night's discussion. Is it, then, that I concur with that Honourable and Learned Member in his eloquent denunciations against pensions, — is it that

I approve of the step which her Majesty's Ministers have now taken as to those pensions, in violation of their repeated declarations and disclaimers on that subject? No. For reasons the very contrary of these, do I stand here to support the Honourable and Learned Member for Southwark's claim to be put on this committee, — and, by so doing, in my judgment, to vindicate the privileges of Members of this House. The Honourable Member for the city of Lincoln (Mr. E. L. Bulwer) has told us that he prefers prevention to punishment. But you cannot, it is admitted, prevent the offence of which he spoke, — and if you could, a pretty course, truly, you take for that purpose! You say, that the Honourable and Learned Member has already violated the rule and resolution of the House; and then you say, you have never visited that violation with censure or with punishment, — that you will prevent him from offending in the same manner again, by excluding him from the discharge of those duties as a member of the committee in question, on which it seems to be agreed on all hands that he is, of all men in the country, the most fitted and best qualified. Why, Sir, I maintain that you have no right to deprive the country of the eminent services of such an individual. Let it be recollected, as a testimony to his honour, that a Noble Lord, the Member for North Devon (Lord Ebrington), told the House on a former occasion, that he had been convinced by some of the arguments which the Honourable and Learned Gentleman, in the course of that debate had brought forward (arguments with which, I own, I, for one, did not concur), that his previous appreciation of the new poor law was an erroneous one. The arguments of the Honourable and Learned Gentleman were, that the new poor law operated most unfairly upon, and dealt most harshly with, the poor; that under that Act your inquiries dealt out one measure to the poor, that under the proposed enquiry as to pensions, you would deal out another measure to the rich. Surely these arguments, if the Honourable and Learned Gentleman can demonstrate their solidity, and we have heard how successfully he has urged them, ought to give him a place on the proposed committee.

[Loud cries of "Question, question!"]

I feel deep regret at being driven to adopt the course which I am now about to take; and that regret is the greater because I am compelled to differ from a Right Honourable Baronet (Sir Robert Peel) whose conduct in relation to this question, has been, as usual, distinguished by its manly openness, and the absence of all mere popularity-hunting professions. I feel no ordinary pain in differing from him, as, in this instance, I do; but I am bound by the conviction of my own mind upon the question, to support the motion of the Honourable Baronet the Member for Caithness, in favour of the Honourable and Learned Member for Southwark.

Mr. AGLIONBY. — I am extremely anxious to say one word on the present occasion; and the more so, because I find, not without much pain, that I must vote against her Majesty's Ministers. On general occasions, it is my pride and my satisfaction to vote with her Majesty's Government; but on this occasion, I must sever myself from them, because I believe that the course which they are about to take will render them unpopular, and deservedly unpopular, in the country. There are two grounds — the one of a personal, and the other of a general nature — on which the Honourable and Learned Member for Southwark has been excluded from the committee. The personal ground of objection has been entirely confined to a publication, in a former Parliament, of evidence taken before a committee. A pledge is now required of the Honourable and Learned Member that he will not, if he should be appointed a member of this committee on pensions, publish, or cause to be published, any evidence which may be taken before it, as in the previous instance, without permission of the committee, from day to day. On this last point I cannot help thinking that the House has the entire control in its own hands. If the Honourable and Learned Member should, in this or in any future instance, act wrongfully, by infringing the orders of the House, it is a matter which ought to be, by some other Honourable Gentleman, brought substantially before the House, as a question of a violation of its own resolutions. I am not prepared to say how I should vote on such a question; but, upon general principles, I think it probable that I should support the standing orders of the House. On general principle, it might be very convenient to uphold and vindicate them. But I can imagine some cases in which it might be much otherwise. On the second or general principle, the Noble Secretary at War has objected that, though you might prevent the Learned Member for

Southwark from publishing, day by day, yet the time might come at which the Learned Member might feel himself justified in publishing the evidence taken before this committee. I think that is one of the most singular reasons I ever heard assigned for excluding any Honourable Gentleman from a committee. The Noble Lord has told us what is the usual course with regard to evidence taken before committees; but I contend that the Noble Lord raised, on this head, an argument fraught with the most dangerous consequences. I am clear that you act quite unfairly in calling on the Honourable and Learned Member for a pledge as to the future, in consequence of an alleged former offence. You have no right to do this. The Honourable and Learned Member for Southwark has challenged inquiry and trial; why was it refused? On general grounds, I think that this committee should not be of one side; I am anxious that there should be an appearance of fairness and of a fair investigation. I do not believe that there has been anything in the conduct of the Honourable and Learned Member for Southwark which would preclude fair inquiry.

I consider that many of the remarks that have been made on the Learned Member for Southwark were most irrelevant. Of the speech of the Right Honourable Baronet the Member for Tamworth, on this occasion, I will say, that, if I was not decided before — or had wanted any argument to determine me — as to the course which I ought to pursue with reference to the appointment of the Learned Member on this committee, or his exclusion from it; the speech of the Right Honourable Gentleman would have settled my opinion on the matter. It amounted neither to more nor to less than this; — that, because my Honourable and Learned Friend spoke of the individuals on the Pension List in a tone and manner which did not happen to accord with the Right Honourable Baronet's feelings on the subject, therefore he ought not to be named of this committee. Sir, I support the nomination of that Honourable and Learned Gentleman. I say that, if you reject him, the country, — after the number of years during which that Honourable and Learned Member has called for an investigation into the Pension List, — after recently seeing that call at length attended to, — the Honourable and Learned Member having delivered upon the subject some of the most splendid speeches ever heard within these walls, — the country, when it finds the question taken out of the Honourable and Learned Member's hands, — the country, I repeat, will not place much confidence in the report of a committee on the Pension List, on the list of which the Honourable and Learned Member for Southwark shall appear to have been omitted.

SIR ADOLPHUS DALRYMPLE. — The course which has been taken by the Right Honourable the Chancellor of the Exchequer appears to me to put the orders of the House altogether out of the question, because the Honourable and Learned Member for Southwark will not comply with the request to give a certain pledge required of him in relation to a prospective possible violation of those orders. The Right Honourable Gentleman, however, — as one of the originators of this committee, — having taken upon himself the responsibility of naming the Members to serve on it; I do not feel disposed to relieve him from any portion of that responsibility; but I shall, following the course chalked out by the Right Honourable Baronet the Member for Tamworth, vote against the appointment of the Learned Member for Southwark on this Committee.

Mr. D. W. HARVEY. — Before I proceed to make a few remarks on the subject matter of discussion, I cannot forego the pleasure of offering the thanks of a grateful and generous heart to my Honourable Friend the Member for Lincoln (Mr. E. L. Bulwer), and also to the Honourable Baronet the Member for Caithness, for their noble, manly, and kind-hearted expressions of opinion, arising from a long and disinterested attention to the investigation in which I have been so deeply concerned. They have sat upon that inquiry without ceasing for many weeks, from giving to it the most patient investigation; and they have now the manliness to own, what, indeed, they have never concealed, their full and deep conviction that I have been most cruelly persecuted. I cannot help also stating my firm belief, as one whose mind is constantly sustained by the cheering conviction, that the wrongs of man cannot be unceasing, but that the stern decrees of higher justice will eventually be awarded to him: — that, however men may be led away by the grovelling influences of party, there will yet be a disposition to protect him from the effects of the most severe, the most unjust, and the most tyrannical persecution that was ever inflicted by an irresponsible despotism. Having said thus much, I will briefly notice the subject before the House. I cannot concede to the Chancellor of the Exchequer the truth of his anxiety to place me on this committee. The pretension is falsified on three distinct palpable grounds. The Chancellor of the Exchequer stated that he originally proposed that the Civil List Committee, upon which my name did not appear, should be the only committee to which the inquiry into pensions should be confided. What, then, did the Chancellor of the Exchequer mean by telling the House, and through it the country, that from the beginning he thought me one of the first who ought to be appointed? This is the first specimen of cajolery. I will next come to the letter which the Chancellor of the Exchequer has written. I will not stop to inquire whether the Chancellor of the Exchequer, by virtue of his office, has a right to inquire of Members that which would be tolerated in no other quarter; but I should like to know by what right the Chancellor of the Exchequer summons a Member of this House into Downing Street, to ask him what he will do, or what he will not do? But, having received my reply, the Chancellor of the Exchequer attempts to fix an interpretation upon it, which no person who reads it dispassionately will for a moment apply to it. What was my reply? While, on the one hand, I spurned the indignity that was attempted to be put upon me, by leading me into an unworthy contract, —(for I felt I should be disqualified for holding a seat in this House, or to associate in any way with gentlemen, if I had consented to any agreement of the kind, or had I consented that a great public right should, in my person, be prejudiced by making contemptible conditions, in order to get placed on a hard working committee:)—yet I did say, and I unfeignedly repeat it, that there may be circumstances in which it would be not only undesirable, but highly unjust, to publish evidence in the way alluded to. I am not now a new Member; I am of twenty years' standing in this House; and I appeal to those who have known me during that period, to attest in justification of my statement, that my course implied not only an upright judgment, but a generous and kindly feeling.

Although the Chancellor of the Exchequer, in his letter, disclaims giving an opinion upon my conduct on the Poor Law Committee, the Noble Lord (Lord John Russell), his colleague, has not done so. What the Chancellor of the Exchequer disclaimed, that Noble Lord took up as a most prominent ground of objection. The Noble Lord, in referring to my conduct on the Poor Law Committee, has made a great mistake as to the facts. First of all, I may be allowed to call the attention of the Noble Lord to what passed in the committee; and my Honourable Friend the Member for Kilkenny (Mr. Hume), an indefatigable member of that committee, will bear testimony to the truth of my statements. The paper with which I am connected was not the first to publish the proceedings of that committee; another newspaper was produced before the committee, to which their attention was called, from which it appeared that partial and garbled statements of the evidence were given; and I am the first to contend that such conduct was highly unjust, and ought to be visited, if repeated, by the sternest displeasure of the committee, — indeed, not only of the committee, but of the House. In the progress of the inquiry, peculiar circumstances arose which rendered the course I took indispensable. Out of the twenty-four gentlemen composing the committee, twenty were avowedly opposed to the course which the minority deemed it their duty to pursue. But what was it which led to the course which I took, and which I am proud of having taken? I saw seated, at the bar of the committee, two or three of the commissioners connected with the poor law inquiry; I saw their intelligent secretary — I saw their short-hand writer— I saw all the appliances of office,—I found them not only taking down what was passing in the committee, but writing directly into the country to make inquiries into the truth of the statements given in evidence, — crowding the committee with witnesses to control, counteract, and contradict the testimony which was previously adduced; and I immediately pointed it out to the Noble Lord (Lord John Russell), and said that it was not a candid or honourable inquiry, if, on the one hand, you see this great institution, — the poor law commission, with all their agents and appliances, with the aid of the committee, making inquiries throughout the country against a class of people who, poor of themselves, had no means whatever of summoning witnesses at their own expense, or obtaining the necessary communications. I pointed out, also, that there was scarcely any sympathy between them and the committee, and that, unless the evidence were published from day to day, and the evidence proclaimed, I said, distinctly, that the inquiry would become a matter, not only of hypocrisy, but of the grossest insult and injustice towards those whom it was nominally intended to protect, but in reality to insult.

That course I took, and when the subject was brought forward whether the conduct of my paper should be brought under the consideration of the House, did I not say that I would scorn to shelter myself behind the printer, or any other servant who was earning a few shillings a week? Did I not take upon myself the whole responsibility, and say that if you went to Somerset House you would find my name registered as sole proprietor of the *True Sun?* Did I not state that I was prepared to encounter whatever penalty the law might direct? and did I not add that it was absurd to have a law without the power of causing its infringment to be punished? And what did the Noble Lord (Lord John Russell) do, to vindicate the integrity of the orders and regulations of the House? The Noble Lord came down to the committee, and after communications with the committee and myself as to the course which ought to be pursued, proposed an express motion that the evidence which was received from day to day should be published. But, said the Noble Lord, the Member for Northumberland, "Was any body at liberty to publish the evidence in whatever shape he pleased — would the House sanction garbled statements and evidence given in such a way?" I defy the Noble Lord to produce any portion of the evidence I have published that is not *verbatim* the evidence which was given before the committee, and which, with the consent of the committee, and the support of the Noble Lord the Secretary of State for the Home Department, was allowed, from day to day, to be published. I will now come to the third point, as my object is to show to the House the hollowness of the pretexts on which the Government have objected to me. In the former part of the evening I alluded to the eagerness with which they seized godsends, their everlasting dabbling in mischief, and the readiness with which they catch at every straw floating upon the muddy stream in which they are unceasingly floundering. With what eagerness did they seize on the ungenerous suggestion of the Right Honourable Baronet the Member for Tamworth! That Right Honourable Baronet said that certainly he had his sentiments with respect to the publication of evidence, but that it was not his intention to oppose the motion upon that ground. Oh, no! — the Right Honourable Baronet said that his reason for supporting the Chancellor of the Exchequer was, that I am a gentleman much given to indulge in sarcasms, — that I am in the habit of coming forward and making contrasts between the poor and the rich, — that I ventured to say that all persons who received the public money ought to be open to inquiry, and treated as mendicants, and that I would subject them to the same sort of test as the poor old widow I am so fond of alluding to, — that he remembered very well that allusion, and the other allusions of the Honourable Member for Southwark to the bastardy clauses of the Poor Law Bill, — that I draw distinctions between the unfortunate poor and the illegitimate offspring of courtly connections, — that such sarcastic remarks were indecent, and had rendered the author of them unfit to be a Member of the committee! If dulness be the qualification that is to fit Honourable Gentlemen for committees, I congratulate the Treasury bench that they will have their hands full.

I will say, then, on these three grounds, that I discredit the assertion which has been made by the Chancellor of the Exchequer, that he was solicitous that I should be on the committee. I beg to ask the Right Honourable Gentleman whence he infers that, after receiving my reply, with respect to which he wished the House to come to the same conclusion as himself, it is impossible to read it without perceiving that the writer intended to set the rules of the House at defiance — if that be so, whence is it, — and does it not appear most extraordinary, — that he did not make some communication to me, informing me that such was his impression? Surely I might have expected to have heard from the Right Honourable Gentleman somewhat to this effect: — "The Chancellor of the Exchequer presents his compliments to Mr. Harvey, and begs to acknowledge the receipt of his letter, which, however, he regrets to say is so far unsatisfactory that until he hears further from him, he cannot consent to place him on the committee." Did the Right Honourable Gentleman pursue that course? No. He reserved his reply, and I heard nothing from him on the subject till to-night, except, indeed, a communication made to me by an Honourable Friend of mine, the nature of which I will state to the House; but I will not give my Honourable Friend's name, because he is not now present. That Honourable Gentleman came to me and said, "I am authorised to inform you that the Chancellor of the Exchequer is satisfied with your letter, and your name will be on the committee; but do not be surprised if somebody, not connected with the Government, asks you whether you mean to publish the evidence or not. So far as the Chancellor of the Exchequer is concerned, he will raise no objection.

[Much laughter, and loud cries of "Hear!"]

If I am challenged as to the truth of the statement, when the Honourable Member appears in this House, I will bring him face to face with the Right Honourable Gentleman. My Honourable Friend inquired of me whether I would give that assurance, and my answer was, "No;" for no earthly consideration would I consent to be placed in such a degraded position.

Having thus answered the personal part of the matter, there is one other remark that I wish to make, to show how irrelevant is this attack on me, as it applies to me, personally. It will be in the recollection of this House that, in the spirit which I believe engenders the present opposition, some four or five years back, a resolution was passed, which was aimed directly at me as a Member of this House, concerned with its private business. Have you found me — can any man get up in his place and say — can any professional man, in or out of this House, say, that he has found me, by any means, directly or indirectly, endeavouring to controvert or evade that resolution, which was a harsh and cruel resolution, as regards its effect on my private fortune? I bowed obedient to that resolution, as I would to any other deliberately passed by the House. Did I allow my interests, as a private individual, to govern me? No; I was superior to all selfish considerations. What I esteem as the rightful rules of Parliament, while I am a Member of this Assembly, I will observe; and I will take care well to weigh the solidity of my opinions before I presume, in any case, to disregard its rules. If I had been on this committee, — and I will not swerve a syllable, I will not breathe a word, to induce any Gentleman to suppose that I am in the least relenting, with a view to conciliating one vote, or to calm a single apprehension, — but I will say that, if I had been on this committee, — (and my conduct would be the same on any other committee), — I never would violate a rule of this House, if, in so doing, I should find myself in a situation of individual opposition. But, many of my Honourable Friends on the Poor Law Committee, — to which so much reference has been made, — thought that the evidence ought to be published; and finding my views so supported, I stepped forward and did that which I considered it my duty to do, hazarding all the personal consequences. I shrank not from encountering the difficulties which presented themselves, my express purpose being that of vindicating what I considered the rights of the community.

As to the appeal that has been made to me, I ask the Honourable Gentleman whom I have the honour of addressing not to regard this as a personal question. What appertains to myself can be of no moment — a fleeting shadow the House should pass over. But I do ask them to look at this question as regards themselves. I ask them to reflect well, if the Chancellor of the Exchequer, whoever he may be, for the time being, be allowed to call on any Gentleman to forego his judgment as to the course he would pursue on a committee, which, in all probability, would be the next step: would it not be, that your committees, instead of being composed of independent men, would be made up of the mere slaves of the Government, the degraded hacks of office? I have heard it asserted, and can fancy it to be true, that some Gentlemen on the Civil List Committee received an intimation before they were put there, — before they had the honour of being placed on a committee, which has no power to send for "papers, persons, or records," — and with respect to which it has been said that the intention was, that it should be a powerless committee, one that could do no mischief.

[Laughter, and cries of "Oh, oh!"]

I repeat, I can fancy it to be true, that some Honourable Gentlemen, before they were placed on this hopeless, powerless committee, were asked, though they might conscientiously differ from the Ministerial proposition, to say nothing about the duchies of Cornwall and Lancaster. I can fancy the Government addressing Gentlemen before they are placed on the committee: — "Your intentions may be honest; but they may be at variance with our views, and we wish to know what you intend to do?" A more slavish practice it would, surely, be impossible to conceive. Surely, no one who valued his reputation as a man of judgment, or as a man of integrity, and who wished to stand well with the people, would, for any consideration, allow himself to be employed in such an ignominious service.

I am not aware that there is anything

left for me to say. The Right Honourable Gentleman in the chair claims for us, at the foot of the throne, at the commencement of every Parliament, that we shall have liberty of speech. It appears, now, that we are not to have liberty of speech. It has been said that the liberties of this country can never be overthrown but by the corruption of Parliament. I will say, that the liberty of speaking cannot be narrowed but by our own degenerate conduct. If, according to the Right Honourable Baronet, because an Honourable Member may have ventured on the utterance of a sarcasm, or indulged in a little playfulness of fancy, and thus enlivened the dulness which has, of late, so remarkably characterised our debates, he is to be marked down as a person unfit to serve on committees, we shall soon be fit for nothing else but committees of which dulness is to be the principal qualification. I wish to say, further, that of all things I should like not to be on a committee such as the present, as it must, necessarily, occupy a great deal of my time, which would put me to much inconvenience by its interference with my personal, though unprofitable, engagements; but, if the House think that I can be of any service, — if it be believed that I possess any peculiar knowledge or information which may be advantageously brought to bear on this question, — I shall place my time and my exertions at their disposal. I would ask the independent portion of the House, by their vote this night, to show that they are not participators in the sentiments of the Government. I would call on them to vindicate their independence, and not to allow it to be supposed that, in acting on committees, they consent to act entirely under the direction of the authority which selects them, or that the condition of being placed on a committee is, that they are to sit in fetters, without liberty to exercise their judgment as to the course they ought to pursue. In conclusion, I would add, that I would not accede to the requisition of the Right Honourable Gentleman the Chancellor of the Exchequer for any advantage which it might be in the power of his official station to bestow; for I beg to remind the Right Honourable Gentleman that a man may be poor in circumstances, and yet rich in feelings of personal independence.

The CHANCELLOR of the EXCHEQUER. — The Honourable and Learned Gentleman has intimated to the House that there is no great danger of my entering into any competition with him on the score of sarcasm. Unfortunately there is none. But still less is there any danger, either, of my entering into competition with him on the score of misrepresentation; because misrepresentation was never more complete than was that which he has endeavoured to palm on the House in reference to what has fallen from me. Many Honourable Gentlemen who have heard his speech would imagine that I had presumed, by reason of my official situation, to put him in fetters, or to curtail the free exercise of his parliamentary privileges. I deny that such is the fact. As I have already stated to him, the very reverse is the fact. My application to him was not to be considered an official application at all; but in moving the committee I addressed him in precisely the same way as I should have addressed him had I been a private Member of Parliament. For, what was it that I did? Did I ask him to comply with any fancy of mine, or to give up any fancy of his own? What I asked him to give up simply was, the claim to exercise a right which had been declared by a resolution of the House to be no right at all. Was the House right, or was the Honourable and Learned Gentleman right? If the House take a just view of the matter, — that which was claimed by the Honourable and Learned Gentleman, it must be allowed, was not his, but a violation of the privileges of Parliament. I beg to take the earliest opportunity of contradicting, in the most distinct manner in which it can be contradicted, the assertion, that I ever gave authority to any Member of the House to make a proposition to the Honourable and Learned Member. I gave no such authority to any Member of this House, nor to anybody out of the House. Many Honourable Gentlemen had appealed to me — it is now a matter of common notoriety that many Honourable Gentlemen had appealed to me — on the subject of the Honourable and Learned Member's name being put on the committee; and in reply I stated frankly and unreservedly to them that which I state now, namely, that my objection was not to the Honourable and Learned Gentleman, personally. I contend that I have now offered the best test I could give of my sincerity, the test I offer to-night, when I tell that Learned Gentleman that if he will state that he will conform to the orders of the House, I myself will be the first person to move that his name be added to the committee. Is there, then, the shadow of a pretence for charging me with insincerity? I beg

Honourable Gentlemen also to bear in mind that I asked him to give the pledge I required, not to me, but to the House itself. With respect to the Civil List Committee, my first anxiety was to confide the present inquiry to their care, because I said that I felt great difficulty in having a special committee for a special purpose of inquiry; and therefore I named another committee already in existence to inquire into the subject; but when I found that that committee did not attend, I was obliged to name a new one, and the very first name that suggested itself to me was that of the Honourable Member for Southwark. The Honourable Member for Southwark states that he will not be a party to the publication of garbled reports. Now I find in a copy of the *True Sun*, which I hold in my hand, the following observations, introductory to one of that paper's reports of the Poor Law Committee's inquiry: —

> The great length to which the evidence extends precludes us from giving it entire; but we give such portions of it as appear to us to bear on the practical question of the operation of the poor laws.

Here is a promise to publish, not the whole evidence, but such portions of it as might seem to the Honourable Gentleman important; and yet the Honourable Member declares that he has never garbled the evidence. If the Honourable Gentleman should appear to the House a fit person to be on the committee, I will not be responsible for the consequences. If the Honourable Gentleman persist in a publication of evidence painful to the feelings of individuals, adverse to the maxims of courts of justice, and contrary to the soundest principles of equity, blame cannot be imputed to me. It may suit the purpose of Honourable Gentlemen opposite to render the committee at once distasteful to the public, and ineffective for the attainment of its object; and such, assuredly, will be the result, if they pervert it into an engine of private malice.

I have now discharged a very painful duty. I have entered into a painful conflict with many Honourable Members who have hitherto given us their friendly and consistent support. I have not done so upon anything like slight or personal grounds; but this was a question of principle, and at any sacrifice, even at that of provoking the keenest sarcasms of the Honourable and Learned Gentleman, or the invectives of Honourable Gentlemen on the opposite side, I will oppose the proposition of the Honourable Baronet (Sir G. Sinclair). Whatever be the result of that proposition, the responsibility rests with others, — not with me.

The House then divided on the amendment proposed, to leave out the words "twenty-one," in order to insert the words "twenty-two" instead thereof.

Question proposed, that the words "twenty-one" stand part of the question, —

Ayes . . .	122
Noes . . .	71

Main question put, and Committee agreed to. — Committee nominated, viz.: — Mr. Chancellor of the Exchequer, Lord John Russell, Mr. Grote, Mr. Bannerman, Mr. Plumtre, Mr. Hume, Mr. Sanford, Mr. Hawes, Mr. Alderman Copeland, Mr. William Evans, Mr. Pendarves, Sir Eardley Wilmot, Mr. Handley, Lord Viscount Ebrington, Mr. Rickford, Mr. Strutt, Mr. Macleod, Mr. Goddard, Mr. Phillpotts, Mr. Villiers Stuart, and Mr. George Evans. — Power to send for persons, papers, and records; five to be the quorum.

LIMERICK COUNTY ELECTION.

Petition of Patrick Boyle and John Humphrys, praying to be admitted parties with the sitting Members to defend their return. Act (9 Geo. IV. c. 22. sec. 10.) read.

Ordered, that the petitioners be admitted parties to defend the return, according to the prayer of the said petition.

SLIGO ELECTION PETITION.

Mr. C. BULLER. — I have two Irish election petitions to present. The same agent, who is an Irishman, made the same mistake in both cases. If the House will allow me, I will very briefly explain the nature of this application. The name of a surety was put for that of a petitioner in the case of the Sligo election, by a clerical error; so that, on the face of the petition, it is sheer nonsense. The surety, who has nothing to do with the merits of the petition, is made to petition this House to pronounce against the election. Some of the best lawyers have been consulted, I understand, on the subject; and upon the result of their legal opinions, it really seems to be a great question whether, where the error is so merely clerical and so obviously accidental, the recognisances will not still be good; so that, upon a mere accident arising on a point of your practice, if these sureties are to be declared not good ones, you may be establishing a precedent of great inconvenience and injustice. It has been held, in a court of law, that, where an error occurs in setting out the names and descriptions of sureties, which is in itself so evident and palpable that it may be rectified in the particular case without danger to those principles which should regulate such questions generally,—an alteration of that kind may be permitted to be made. As I believe that this is the last night allowed under the Act to put in the recognisances for these petitions, I must move that further time be allowed for extending the recognisances in this case.

Mr. BORTHWICK. — Before this question be taken into consideration, there is a point of order upon which I should be glad to be instructed. It is now past one o'clock in the morning, and I am entitled to contend that the duration of the day, in intendment of law, is from twelve o'clock to twelve o'clock, midnight to midnight, four-and-twenty hours. Seeing that the 18th day of December is the last day upon which these recognisances can be entered, it becomes a very important question whether, at this hour, the legal day is ended, or not?

The SPEAKER. — I believe it has heretofore been the rule of this House, that it is competent for the House to continue on the day which it may have sat over, if the delay has been occasioned by its discussions.

The Clerk then read, at the Table, the petition of Robert Potter, agent for the petitioners, stating a mistake in each of the recognisances entered into by each of the respective sureties, and praying for an extension of time, to have the recognisances re-acknowledged.

COLONEL PERCEVAL. — I feel it my duty to appeal to the justice of this House, under the circumstances of the present application. It is now considerably past one o'clock, and Tuesday morning. Twelve o'clock, Monday, under the limitations expressly set out by the Grenville Act for these purposes, was the extreme time at which any applications of this nature could be entertained. It is for me, as a party undoubtedly interested, to make this appeal; and I do not think it necessary to say any more.

Mr. S. COOPER. — I submit that, if there be a flaw in the case of this petitioner, it is for the Chair to declare it. With all submission, I think that it is for us to crave that the law in the question be laid down by that high authority. I think it very hard that the Honourable and Gallant Member for Sligo should have to appeal to the justice of the House in this case against entertaining the application of the Honourable Member for Liskeard. In an earlier part of the evening, but in respect of another petition, the Honourable and Learned Member for Liskeard himself appealed to the justice of this House, and we might have expected that he would not have rendered it necessary for others to prefer a similar appeal.

The ATTORNEY GENERAL. — Now is the time, Mr. Speaker, or never, that this question must be determined, if the prayer of the petitioners is to be affirmed. Because, when the Parliament shall have met to-morrow to transact its business,—when that true parliamentary to-morrow shall have arrived, — it will be too late to say anything about these recognisances being extended. But, independently of the question in hand, it does appear to me that this application is a very fair one. The question arises on a case of mere clerical error. There cannot be much dispute as to the facts, or as to the principle, so far as regards the matter of principle; namely, that these recognisances have not been entered into according to the requisitions of the Act of Parliament. The name of the surety is inserted instead of that of the party. The absurdity of this blunder is obvious. A. B. undertakes that he, A. B., the surety, will prosecute the petition as to which he is not the petitioner, but the surety. Now, this is precisely that sort of case in which the Act of Parliament does give a power of enlarging the time of entering into recognisances, where a mistake is made, and there is no probability of its having been the result of fraud or collusion. As to the objection which has been taken on behalf of the Honourable and Gallant Member for Sligo, I apprehend that the fact is, that yonder clock never passes, in construction of law, the hour of twelve. You will go on to call the other Orders of the Day; and, according to that clock, it will still be the same day on which the discussions of this evening began.

[A laugh.]

Gentlemen may laugh, but the fact is, that there is one law for corporations as to time, and another for the general purposes of society. Thus, it has been said, that if a man moves from a residence which he has occupied under a year, he gains a settlement; reckoning from the period of the one moving, to the periods of any other movings, which go conjointly to make up the year. The term of one moving, it is said, is not necessarily to be taken apart from the other movings. Suppose this House had met at ten o'clock in the morning, and that this petition was then ready to be presented, but that a debate on some subject preceding it on the paper of the day had sprung up, and gone on until this hour, — shall it be said that, under circumstances of that description, there should be no possibility of presenting a petition of this kind? In the instance before us, the object of the petition is, to give to the petitioner, on the last day of the period assigned for receiving recognisances, this opportunity; that two certain persons shall be permitted to rectify an error that no one imputes to them as an intentional error, which has been committed in describing the sureties. I contend that this proposition is proper, fair, and reasonable.

SIR THOMAS FREMANTLE. — I appear, once again, as the advocate for the strict observance of the general rule laid down by the Grenville Act. It may be perfectly true, as her Majesty's Attorney General has asserted, that the clock of this House, in all presumption of law, does not go beyond twelve o'clock at night in any matters touching its own privileges and regular course of proceedings. But the Act of Parliament is absolute as to the period of fourteen days, to which the time for entering into these election recognisances may be extended. We have already, in our Votes, which, in the usual course, will in a few hours be printed, considered this day as to-morrow; that is to say, the language of the House of Commons has already treated this day as Tuesday. Now, I ask, why the petitioner and his sureties did not come here until this unseemly hour? In a much earlier part of this evening, we saw the House dismiss parties who were also petitioners for an extension of time, on the ground that they might have presented their petitions before; and so it was held that they had lost their claim as petitioners for further time. This was the case with the Ipswich petition. It appears in the present instance, that this petition came from Ireland, and after encountering the chance of being too late, by the Speaker leaving the chair at half-past ten, these other cases are brought forward at half-past one in the morning. In consistency with the course which I have always observed on these occasions, I shall feel it my duty to oppose the prayer of these petitioners.

MR. POULETT THOMSON. — My Honourable Friend may have been, as he says, consistent in these matters; but if so, the Honourable Baronet has at least been inconsistent by proxy; for, in the case of Mr. Gompertz, a petition was presented after one o'clock, and the argument against the adjourning the debate on that occasion, as the Honourable Baronet must well recollect, was, that the last day for receiving such petitions had arrived, and that if the parties were not allowed, then, to obtain the indulgence, there was no opportunity of providing the remedy for which they sought. It was, therefore, resolved, among other things, that relief should be afforded; and consequently, it follows, that some equal measure of justice should be extended to petitioners in all similar cases.

MR. H. HINDE. — In the cases both of to-night and of Friday night last, the House has been called upon to relax the application of the Grenville Act. We might be right or wrong in the course which we adopted on Friday night last; but it seems to me, that the case brought forward to-night, is strongly distinguished from that of a former evening. I cannot perceive how we can extend beyond the strictly defined limitations of the Grenville Act the term for entering into these recognisances. The Attorney General must be mistaken in his construction of the conclusion of the parliamentary day, for he says nothing about the very entries upon our printed Votes showing that all proceedings for the "Friday" which occur after twelve o'clock at night, are recorded under the date of "Saturday."

SIR THOMAS FREMANTLE. — The case of Mr. Gompertz was introduced and noticed long ago; but these cases would have been equally in time with that, had they been also presented before twelve o'clock last night.

MR. R. STEUART. — A case occurred in the year 1831 that I, myself, was concerned in, in which I was allowed to withdraw a letter that had been given in; and on the last day for these matters, a discussion intervened. I was petitioned against, and yet I was allowed to present my substituted letter after three o'clock of the morning, following the expiration of the last day on which descriptions of sureties could be amended.

Mr. G. F. YOUNG. — I apprehend that it is not competent for us to alter the specific enactments of an Act of Parliament. If ever there was a case, probably, which, under lest stringent legislation, could deserve indulgence, this is one, for it is the case only of a clerical error. But I do not consider that we have any such powers.

The SOLICITOR GENERAL. — It is very essential to consider what this case really is. There are three individuals concerned here. The petitioners C. D., and the two sureties E. F. and G. H. Each of these parties enter into a bond, the condition of which is, that if the petitioner C. D. shall pay all the costs attaching to the prosecution of the petition, then the recognisances of E. F. and G. H. shall be avoided and released; but since C. D., E. F., and G. H., are each and all of them equally interested, by being equally bound for the payment of all the expenses of the petition, it does not much prejudice E. F. or G. H., that by a mere clerical error he is put in the place of C. D. In point of fact, these recognisances can only be bad inasmuch as they are not correctly given in under that part of the Grenville Act which says, "that these sureties shall be given in in the form hereinafter mentioned."

Mr. GODSON. — I apprehend that this is one of the most important questions connected with the proceedings of this House, in election cases, which can come before us. Will any one of my Honourable and Learned Friends — will her Majesty's Attorney or Solicitor General venture to say, in Westminster Hall, to-morrow, of the limitation, under the Grenville Act, of fourteen days, for putting in these sureties, that it is to be thus construed: — that when you are at one end of the hall, a day may consist of twenty-four hours, and three, or four, or seven hours over; but that if you sit at the other side of Westminster Hall, the construction is to be different; that is to say, the common sense and every day interpretation? Such, however, is the extraordinary opinion of the Attorney and the Solicitor General, which is to go forth, to-morrow, to the public. As to the hypothesis of her Majesty's Attorney General, that this is not to be reckoned for another day when it is past 2 o'clock in the morning; every record of every proceeding which takes place within these walls after 12 o'clock at night demonstrates the utter fallacy of such a notion. The printed Votes show that all such proceedings are carefully distinguished and separated from those of the preceding day. But suppose this petition to be presented, and that — afterwards — the opposition to the return for Sligo, which it suggests, should be pronounced by a committee frivolous and vexatious. Why, the very moment you should attempt to proceed upon the recognisances thus given in, decidedly, as I contend, out of time, — the very men who have been given in for sureties, will snap their fingers at you, and tell you, you cannot recover from them or proceed against them. With respect to what the Attorney General has told us, about this House sitting till 4 or 5 o'clock in the morning; I maintain, that the House knows nothing about the fraction of a day; that the fourteen days limited by the Grenville Act have expired so far as this case is concerned; and that you cannot pretend to enlarge or alter the specific provision of that statute, except by a new Act of Parliament which shall have received, in the usual course, the sanction of both Houses of the Legislature.

Mr. COURTENAY.—I have had some little experience of courts of law, and I must say, that I have never heard so much, or such bad law, crowded into one speech, as I have heard in the speech of her Majesty's Solicitor General. It is my misfortune to be connected a great deal with the business of quarter sessions; and it has passed into a proverb that professional gentlemen sometimes take tolerable liberties in expounding the law to the magistrates whom they address there. But I should really think, that the Honourable and Learned Gentleman must have supposed that he was talking in the presence of those who knew absolutely nothing about law. His speech reminded me of what used to take place when I attended the circuits about thirty years ago, and we used, certainly, now and then, by way of experiment, to draw pretty largely on the legal faith of country gentleman. My Learned Friend near me has truly stated, that the law recognises no fraction of a day; and to be sure the Honourable and Learned Gentlemen opposite cannot be serious in contending for the licence which their construction of the Grenville Act assumes in that particular. But these are points of a trivial — nay, of a contemptible — degree of importance, compared with the constitutional consideration involved in their argument. That argument is an absolute attempt to dispense with an Act of Parliament, —

[Cries of "Hear, hear!"]

I insist upon it, that it is neither more nor less. Now, what is the greatest constitutional imputation on the proceedings of the Long Parliament, and on the character of all the monarchs of the house of Stuart? Confessedly this, that they dispensed, by strained constructions, as well as in other manners, with Acts of Parliament.

Mr. CHARLES BULLER. — The fact is, that these petitions only came up by post to-day; and this is the first opportunity which we have had — owing to the intervening business of the House — to present them. Gentlemen opposite seem disposed to be very strict and unyielding as to the law. Sir, I will grant, for the sake of argument, that the fourteen days, under the Grenville Act, have expired at twelve o'clock last night, if Gentlemen so please. But, I shall contend that, even in that case, the Act itself does not contemplate it as a necessary and inevitable result that, upon sufficient cause being shown, no further indulgence, as to the extension of the time, shall be afforded by this House. For what are the words of the Act, in the clause which I hold in my hand? — "And if, at the expiration of the said fourteen days, such recognisances shall not have been entered into, or shall not have been received by the Speaker of the House of Commons, then the Speaker shall report the same to the House." So that, supposing the time limited by the Act to have expired, and the recognisances not to have been received in the mean time, the power to grant further time does not *ipso facto* cease, but the Act goes on to declare, that "the order for taking the same into consideration shall be thereupon discharged." But, in the mean time, surely it is open to the House, if it shall so think fit, to enlarge the time for entering into the recognisances; and for what purpose, I would ask, could such a power have been reserved to the House, if it was never intended to be acted upon? I now move, Sir, that "the time for entering into these recognisances be enlarged."

Mr. AGLIONBY. — I cannot think, as at present advised, that the House has any power to enlarge these recognisances, and I must observe that my Honourable and Learned Friend the Member for Liskeard, in the argument which he founded upon the Act, omitted to refer to some preceding words which were very important against the conclusions that he came to. They are these: — "And if, at the expiration of the said fourteen days, such recognisances shall not have been entered into or received by the Speaker of the House of Commons, or the time for entering into such recognisances shall not have been previously enlarged;" then "the Speaker shall report the same to the House," &c. Now, there is a statement of all the several cases in which it seems to have been contemplated that it would be still open to the House to afford relief. But the case here suggested not coming within that recapitulation, I do not see how the petitioner can be relieved though I am willing to admit that, if ev there was a case in which such relief should be afforded, if it can be given, this is it.

Mr. MAULE. — There are other words which the Honourable Member for Cockermouth (Mr. Aglionby) has not alluded to, that seem to bear in favour of the prayer of the petitioner, — "or unless upon matter verified on oath before the House." This, therefore, is one of the alternatives which still applies to the petitioners before us. Probably the House might, upon such a course being adopted, still be disposed to enlarge the time for entering into these recognisances.

Mr. C. BULLER. — As the House appears to be of opinion that the Speaker should inform us of the circumstances attending the giving in of these recognisances, I will, for the sake of convenience, alter the form of my motion, by which means, the matter may, at some future time, again be brought under consideration. I will move, now, that the petition be taken into consideration this day, and that it be printed in the Votes of the House.

Mr. FRESHFIELD. — With reference to the legal construction of the Grenville Act, as bearing on this case, I may point out that the error in this case is the error of the party himself, and therefore there can be no reason why he should not be made to suffer the consequences of his own neglect.

COLONEL PERCEVAL. — I would direct the attention of the House to one subject. By the statute, three days' notice of justification of bail is required; but here, it is impossible that that notice can be given, for these papers have arrived in town, it is stated, only on this day.

It was then agreed that the petitions should be severally considered this day. On the motion that they be printed with the Votes,—

SIR R. PEEL said: — It is clearly understood, then, that the case will now stand precisely in the same situation as it did before this vote was carried; and therefore it will be for Mr. Speaker, to-morrow, to report whether the time for entering these recognisances shall be extended, or not,—in conformity with the provisions of the Act of Parliament.

Petitions severally ordered to be printed.

CIVIL LIST BILL.

Third reading deferred till this day, (at twelve o'clock).

DUCHESS OF KENT'S ANNUITY BILL.—JURIES AT SESSIONS BILL.— SUPPLY.

Committees of the two former severally deferred till this day; of the last, till Wednesday.

MUNICIPAL CORPORATIONS BILL.— POOR RELIEF (IRELAND) BILL.

Second readings severally deferred till this day.

DUCHESS OF KENT'S ANNUITIES.

On the Order of the Day being read for bringing up the Report on the Resolutions on this subject, —

COLONEL SIBTHORP gave notice that, on Wednesday next, on the motion for Mr. Speaker's leaving the chair, on the Order of the Day for considering the Duchess of Kent's Annuities Bill, he would move certain resolutions to the following effect; viz. —

That it shall be lawful for her Majesty to give and grant, by letters patent under the Great Seal of Great Britain, to her Royal Highness Maria Louisa Victoria Duchess of Kent, for the term of her natural life, for the adequate provision for her said Royal Highness, a certain annual payment or annuity of 22,000*l.* of lawful monies of Great Britain, in lieu of proposed grant of 30,000*l.*

Provided always, and be it enacted, that in case her Royal Highness Maria Louisa Victoria Duchess of Kent shall, after passing any grant by Act of Parliament for the sole and separate use of her said Royal Highness, marry with any person without the consent of both Houses of Parliament, or shall cease to reside in, or shall absent herself from, the United Kingdom of Great Britain and Ireland, without such aforesaid consent, for more than twelve months at any one period, or without the intervening period of six months residence in Great Britain shall afterwards return abroad, a portion not exceeding one half of such grant as may be given by way of annuity to her said Royal Highness, shall, in either such cases, absolutely and entirely cease, that is to say, immediately after such marriage, or such period of absence, or at any rate from and after the payment of the quarterly portion that may be first due; and such portion of annuity shall be hereafter wholly void of any claim whatever on the part of her Royal Highness Maria Louisa Victoria.

The **CHANCELLOR** of the **EXCHEQUER** reported the resolution respecting the Duchess of Kent's annuities, namely: —

Resolved, That the several annuities granted to her Royal Highness the Duchess of Kent, in pursuance of several Acts of the 58th year of King George III., the 6th year of King George IV., and the 1st and 2d year of his late Majesty King William IV., shall cease and determine, at such time as may be fixed by any Act to be passed in the present Session of Parliament; and that, in lieu thereof, her Majesty be empowered to grant, out of the Consolidated Fund of the United Kingdom of Great Britain and Ireland, a clear yearly sum of 22,000*l* to her said Royal Highness, for her life, which sum, in addition to the yearly sum of 8000*l.*, already agreed to be granted in the present Session, amounts to the clear yearly sum of 30,000*l.*, for the life of her said Royal Highness.

Resolution agreed to. — Instruction to committee on the Bill that they have power to make provision therein pursuant to the said resolution.

PRISONERS (IRELAND) BILL.

Considered in committee; reported, without amendments; and ordered to be read a third time this day.

PRESBYTERIANS' OATHS (IRELAND) BILL.

Read a second time, and committed for this day.

SLAVE COMPENSATION BILL.

Reported; to be read a third time this day.

HOUSES OF PARLIAMENT BILL.

Read a third time, and passed.

PAPERS, RETURNS, &c.

The following were ordered: —

Appeals, Quarter Sessions. — On the motion of CAPTAIN PECHELL, address for —

Return of the number of appeals in the quarter sessions against convictions by justices of the peace in England and Wales, in 1836.

Pensions. — On the motion of the CHANCELLOR of the EXCHEQUER—

Copy of the Treasury Minute, dated the 15th of December, 1837, on the subject of the pensions formerly on the Civil List.

This paper was thereupon presented accordingly.

Ecclesiastical Commission (Ireland). — Copy of Annual Report of the Commissioners to the Lord Lieutenant (by Act).

High Court of Justiciary (Edinburgh). — Return of the diets held by this High Court during the years 1833 and 1836; the number of trials, &c. (address, 14th of December).

Severally ordered to lie on the Table.

NEGRO APPRENTICESHIP.

Petitions from Skelton were presented, for the abolition of this system. — To lie on the Table.

Adjourned at a quarter after two o'clock.

HOUSE OF LORDS, Martis, 19° die Decembrii, 1837.

APPEALS.

Hamilton *v.* Dunn. — Further and fully heard, and consideration adjourned *sine die.*

Home *v.* Pringle. — Leave for a recognisance to be entered into for the apellant.

EARL OF CLANCARTY'S CLAIM TO VOTE FOR REPRESENTATIVE PEERS FOR IRELAND.

Committee for privileges met; a witness examined; and committee adjourned *sine die.*

The Earl of Mountcashell took the oaths.

APPEAL COMMITTEE.

First Report from. — Read and agreed to, and ordered accordingly.

MENGEN'S NATURALISATION. PATRY'S NATURALISATION.

Returned from the Commons; agreed to.

Viscount Duncannon presented a copy of the Report upon the experimental improvements on the crown estate at Pobble O'Keefe, in the county of Cork, submitted to her Majesty's Commissioners of Woods and Forests for the year 1837. — Ordered to be laid before the House. — The said Report was accordingly delivered, and to be printed.

IMPRISONMENT FOR DEBT BILL.

LORD BROUGHAM. — I beg leave to present a petition from a person of the name of Benjamin Barton, a resident of Glasgow, complaining of the injury which he has suffered in consequence of the existing state of the law with respect to imprisonment for debt, and praying for its improvement. The petitioner states, that the person who is the great cause of his misfortunes was, at one time, an errand-boy at a tavern, and eloped with his employer's wife. He then proceeded to Glasgow, and set up an hotel himself. Deceived by the handsome appearance of the tavern, many persons gave him credit, and the petitioner was induced to discount bills for him to the amount of 2300*l.* The person whom he thus trusted soon afterwards absconded from Glasgow, and came up to town, where he set up in business as a stable keeper. The petitioner followed him, and arrested him for the small sum of 60*l.* The latter, however, immediately, swore a debt against his creditor of 45*l.*, and caused him to be arrested on this false demand. The petitioner not being able, in the first instance, to procure bail, was carried to a sponging house. With great difficulty he succeeded in finding bail, when he was discharged. He was, however, a second time arrested by the same party, and he was obliged a second time to provide bail. He then indicted the party who thus proceeded against him, for perjury, and a true bill was found; but no person could say where the defendant, who was not worth a farthing, was to be met with. I have felt it necessary to state these points, because I believe that cases of a similar character are of frequent occurrence under the law as it now stands. If the petitioner, being a respectable man, had not happened to be acquainted with individuals in London who became security for him, he would have been placed in a very different situation. He might still have remained in prison, on account of a debt which has been falsely sworn to.

The petition was then read, and ordered to lie on the Table.

VOTE BY BALLOT.

LORD BROUGHAM. — I have to present a petition from a very respectable body, namely, the mayor, aldermen, and burgesses of the city of Hereford, who complain of the difficult situation in which electors are now placed, in consequence of the present mode adopted at elections.

The petitioners state, that the excessive practice of intimidation, of bribery, and of corruption, which prevailed at the last general election, has convinced many of those who were previously of a different opinion, that the right of the elector can only be secured by the adoption of some mode of secret voting; and they pray that, to put an end to the prevailing, increasing, and most pernicious practices of bribery and intimidation, the plan of voting by ballot may be tried.

Petition read, and ordered to lie on the Table.

SLAVE PROPRIETORS' COMPENSATION.

LORD BROUGHAM. — Seeing my Noble Friend the Secretary for the Colonial Department in his place, I trust that he will not consider me too pertinacious in calling his attention again to the non-production of those returns relative to the award of money voted by Parliament as compensation to West India proprietors, which I moved for nearly a month ago, as it certainly is a subject of great importance, and excites considerable interest. I wish to know when an official statement of the distribution of the sum voted will be laid on the Table. I take it for granted that everything is done regularly by the very able and diligent persons who conduct the colonial department, and I certainly retain my original opinion that there can be no difficulty whatever in making the returns.

LORD GLENELG. — Being aware that my Noble and Learned Friend intended to mention this subject again to-night, I addressed a letter to the commissioners, requesting them to inform me what progress they have made with the returns, and I received for answer, that the lists of the accounts made of the uncontested claims in all the colonies are nearly finished, and that a large proportion of the first class will be ready to be presented on Thursday next, and the remainder as soon after as possible. With respect to the contested claims, they are still unprepared, but every exertion will be used in making them out.

LORD BROUGHAM. — I am extremely happy to find that, at all events, some of the returns are nearly ready, and will be laid on the Table the day after to-morrow. This only shows how useful it may be to touch up certain departments a little, occasionally; because the last intimation I received was, that it would be impossible that the returns could be got ready before the end of the recess, the time then considered necessary for preparing them being six or seven weeks; now I am informed that the bulk of the returns, and those which chiefly interest the public, will be presented within a fortnight.

LORD GLENELG. — I beg to remind my Noble and Learned Friend that what the letter refers to is a large proportion of the first draft on the list.

LORD BROUGHAM. — I do not precisely understand what is meant by the word "draft."

LORD GLENELG. — I presume that what is meant is that a large proportion of the returns will be ready by Thursday.

MUNICIPAL OFFICERS' DECLARATION BILL.

Order of the Day for receiving the Report of the amendments, and the Lords summoned, read.

Amendments reported accordingly, and agreed to; other amendments moved and negatived; and Bill to be read a third time to-morrow, and the Lords summoned.

CIVIL LIST BILL.

VISCOUNT MELBOURNE. — I beg to move that the Civil List Bill be read a first time; and as it is highly desirable that the measure should be forwarded as speedily as possible, I beg leave to give notice that I shall move the second reading to-morrow.

The Bill was accordingly read a first time, and ordered to be read a second time to-morrow; and the Lords summoned.

HOUSES OF PARLIAMENT BILL.

Brought from the Commons, read a first time, and to be printed; to be read a second time to-morrow, and the Lords summoned.

SLAVE COMPENSATION BILL.

On this Bill being brought from the Commons,—

LORD BROUGHAM said:—I beg to ask what is the object of the present Bill?

VISCOUNT DUNCANNON.—The fund for the compensation of slave owners is partly in stock and partly in money, and the object of this measure is to convert the stock into money.

The Bill was then read a first time, and to be printed; to be read a second time on Thursday next, and the Lords summoned.

RETURNS.

LORD BROUGHAM moved for an account of the amount of sums received annually by the Accountant General of the Court of Chancery, under the provisions of the Act of 3 & 4 W. IV. c. 94.; and of the amount of the sums paid annually for salaries and otherwise thereout, from the 25th of November, 1833, to the 25th of November, 1837. Also,

Account of the present rate of charge per folio for copies of proceedings in the master's offices of the Court of Chancery; and an account of the largest sum received by the registrars for a decree or order of that court, in the years 1831 and 1837, respectively. Also,

The like Return for the equity side of the Exchequer. Also,

Account specifying the reduction of fees in the Court of Chancery, directed to be made by the order of the Lord Chancellor and other judges of that court, dated the 23d of February, 1837; and of the estimated amount of such reduction. Also,

Account of fees received in the several offices of the masters and registrars of the Court of Chancery, in each of the years ending, respectively, on the 25th of November, 1833, and the 25th of November, 1837. Also,

Return of the amount of the sums and securities now standing at the Bank of England in the name of the Accountant in Bankruptcy, specifying the different heads under which the same stand, and the annual income derivable from the fund entitled "The Bankruptcy Fund Account." Also,

Account of the amount of the annual salaries payable to the judges, commissioners, and other officers of the Court of Bankruptcy. And also,

Account showing the expense of the Court of Bankruptcy, as compared with that of the former commissioners, and of savings made in any other respect by the system prescribed by the Act for establishing the Court of Bankruptcy.

Severally ordered to be laid before the House.

Adjourned.

HOUSE OF COMMONS.

PUBLIC BUSINESS.

RETURNS, &c.

The following Returns and Accounts were severally presented at the Bar, viz.: —

Newspapers. — Return of the stamp duty on newspapers for three years (ordered 22d of November).

Timber Drawback. — Account of drawback paid on timber used in mines in Devonshire and Cornwall (ordered 28th of November).

Slavery Abolition Act. — Account of averages of sales in the colonies affected by the Slave Abolition Act, on which the sum of 20,000,000*l.* was apportioned, the periods for which the averages were taken, and rate of compensation per head allotted to each (address 4th of December).

Houses of Parliament. — Abstract of tenders for embankment, &c. of the New Houses of Parliament (ordered 8th of December).

Exchequer (Ireland). — Account from Second Remembrancer's Office, Exchequer, Ireland, fees and disbursements (by Act).

Court of Session (Scotland). — Copy of warrant granting compensation to John Munro, Ordinary Macer of Court of Session (Scotland) anno 1837 (by Act).

Shannon Navigation. — Second Report of Commissioners presented (by command).

Ordered to lie on the Table.

PETITIONS FOR PRIVATE BILLS COMMITTEE.

Leave to sit this day during the sitting of the House.

CIVIL LIST BILL.

On the motion of the CHANCELLOR of the EXCHEQUER, this Bill was read a third time.

Mr. HUME. — I have now an amendment to propose to the third clause, in press 8. line 18. and 19. My object is to place on the votes of the House the same amendment which I proposed in the committee on this Bill; because such is the manner in which our proceedings in committees are conducted, that the public are ignorant of a great deal which passes. I propose, Sir, to leave out the words "Three hundred and eighty-five thousand pounds," in order to insert the words, "Three hundred and thirty-five thousand pounds." I wish to put on record my wish to reduce the amount by 50,000*l.* When the other amendments to be proposed by my Honourable Friend the Member for London (Mr. Grote) shall have been decided, I shall, on the question that the Bill do pass, avail myself of that opportunity of offering some general remarks. I now merely move this amendment.

Question put, "That the words three hundred and eighty-five thousand pounds stand part of the Bill."

Agreed to.

Mr. GROTE. — Sir, I propose to move the entire removal of the sum allotted to pensions from the Civil List. There are several reasons which lead me to think that the House ought not to suffer any such item to continue. My first reason is, that it is not proper or convenient to fix any amount to be granted in new pensions pending the inquiry into the Pension List. The House has now appointed a committee for the express purpose of investigating the names on the existing Pension List. It has recognised the principle that all names which appear on that list wrongfully, improperly, or without legitimate grounds, shall no longer be continued upon it. This inquiry is about to be immediately commenced, and I need not remind the House that it is of a nature which permits no delay or postponement: it must be prosecuted continuously until its termination, and until some result is arrived at. What that result may be is as yet, of course, unknown; nor do I at all presume to anticipate it.

But in reasoning on the present posture of affairs, it is impossible to avoid looking at it hypothetically; it is impossible to avoid contemplating the various results which may perhaps ensue. Perhaps it may happen that the committee will recommend nearly the whole list to be maintained; but perhaps they may recommend that two thirds or three fourths of the list shall be struck out — they may pronounce a large and unequivocal condemnation on the purposes to which the Pension List has been turned — they may find reason to believe that it has been made a means of systematic and extensive corruption. Remember, again, that I do not at all presume to anticipate that such will be the judgment of the committee; I only say that it may be: the case is possible, and that is sufficient for my argument.

Now, Sir, I think it cannot be denied that the judgment of the House, as to the sum which it is right to allot in future for the Civil List pensions, may be materially influenced by the use which has been made of the Pension List in times past. Suppose it turns out that the Pension List, in times past, has been distributed upon the very worst principles — that abuse has been the rule, and propriety the exception — that most of the pensioners are persons who ought never to have been there at all, and ought not now to be continued there — may not the House, when informed of these facts by the Report of its committee, very reasonably say, — "We were not before aware of the extent to which abuse had been carried in this list; we see that in future the minister cannot be trusted with the disposal of so large a fund; we will not run the risk of having such glaring prodigalities in future years; we will lessen the possibility of wrong doing by curtailing the pension fund at the disposal of the minister?" I maintain, Sir, that in the view which the House may take of the sum proper to be allotted for a pension fund, the consideration of the use to which it has been turned during the past, is a very material item — a fact tending to affect our conclusions on the subject in the most powerful manner. And to call upon the House to fix, at this moment, what the sum allotted for pensions shall be for the future, is to call for a decision in the absence of most important evidence — in the absence of evidence which you are now beginning to collect, and which the lapse of a short time will certainly furnish.

On this ground, Sir, I contend that we should do wrong in fixing the aggregate amount of the Pension List for the future, while the inquiry into the Pension List for the past has yet to be undertaken. To do this is to anticipate in part the result of that inquiry — it is to assume, beforehand, that no possible disclosures which that committee can elicit can make any difference in regard to the amount fit to be awarded in future. I contend that we have no right to make such an assumption — it is an assumption not at all just or reasonable in itself; and it is, moreover, calculated to impress the public with a belief that our inquiry is not intended to be searching and decisive. Those Gentlemen who have looked at the minutes of the committee on the Civil List, will see that the question which I am now starting was mooted in that committee. The Right Honourable Gentleman the Chancellor of the Exchequer originally proposed to continue the sum of 75,000*l.* on the Civil List to be devoted to pensions, as it had stood in the preceding reign. On this matter the committee decided against him, but they acceded to a proposition afterwards made by the Honourable Member for Aberdeen, that the sum proper to be allotted henceforward in pensions should be fixed, not in the shape of principal money, but in the shape of annuity — that a sum of 1200*l.* should be recommended to the House to be placed annually in the power of the Sovereign to be given away in new pensions.

I confess, Sir, I cannot see any greater reason for determining the amount fit to be granted under the one shape than for determining it under the other. For how is it that you arrive at the result of 1200*l.* per annum as the just amount assignable for distribution by the Crown in new pensions? It is by examining the annual vacancies likely to occur in a given principal sum; and, in point of fact, to fix a certain principal sum, and to fix a certain annual amount to be distributed in new pensions, is to do one and the same thing under a different name; and if the former be unwise or improper, I do not see upon what grounds you can defend the latter. Both the one and the other are alike open to the objection which I have been urging. Indeed, if the House do resolve to name, at this moment, the exact amount of the pension fund, I question whether it be not preferable to name the principal amount rather than the annual sum capable of being so applied. Because, by naming the principal amount, you know more accurately the charge upon the public in each year; by naming the sum annually disposable, you know the amount of charge only upon the average of years. The sum of 1200*l.* annually given in new pensions will correspond to a greater or less amount of principal charge, according as the lives selected are young or old, of greater or less duration. I may be told, perhaps, by the Chancellor of the Exchequer, that unless the amount annually disposable for pensions is now fixed, he will not be able to settle the Civil List at present. But it is plain that, whether the Right Honourable Gentleman carries the present clause or omits it, still the old pensions will remain unsettled till the conclusion of the inquiry about to be undertaken by the committee; and if he settles the Civil List now, he will be obliged to call upon Parliament, at the end of that inquiry, to make a separate provision for those pensions which are adjudged to have a right to continue. If the provision for the old pensions is postponed, I do not see why the provision for new pensions should not be postponed until the same time, and why it should not form part of the same measure.

My next reason for thinking that these clauses ought not to be allowed to stand is, that a fund for pensions seems to me to have no proper place in the Civil List. Assuming that a certain sum ought to be allotted to pensions — that it is right to name that sum now;—admitting both these positions, still I contend that the charge ought not to be considered as forming a portion of the Civil List. Gentlemen will recollect that the provisions of the Civil List cannot be in any way altered during the reign of her present Majesty, which promises to be long, and which I sincerely hope will prove long. It may be right that those arrangements which are connected with her Majesty's household and establishment, and which conduce to personal dignity and comfort, should be thus defined once for all, and that her Majesty should not be disturbed by the inconveniences attending upon any change in those matters after they have once been fixed upon a precise scale. The necessity of thus determining the amount of the Civil List generally, for the entire duration of the reign of the Sovereign, is founded upon reasons connected with the personal comfort of the Sovereign herself. But what necessity of a similar kind exists for irrevocably determining the amount of the Pension List, not to be again altered until the termination of the reign? How is the comfort or dignity of the Sovereign connected with the power of distributing a certain sum of money in pensions? Why is the House called upon to fix the amount of pensions placed at the disposal of the Sovereign for an entire reign, any more than the House fixes the number of civil offices, or the extent of naval and military forces, which shall be placed under the command of the Sovereign, for a whole reign? The power of appointing to a place in the Pension List is in no way more essentially connected with the comfort or dignity of the Crown than the power of appointing to civil or military offices. It would be most unwise to determine at the beginning of the reign how many offices the Sovereign should have the power of conferring, and to restrain ourselves from varying that number until the demise of the Crown; and I contend that it would in like manner, and for the same reasons, be most unwise to fix an unalterable and irrevocable Pension List. If pensions are to be continued at all, we ought to reserve for Parliament the power of discontinuing them, as to future grants, whenever it shall think fit. We ought to retain in our hands the option of modifying or terminating the system, if abuse or profligacy should demand our decisive interposition. It will be remembered that the committee of 1831 distinctly recommended that nothing should be retained on the Civil List except such charges as conduced to the personal comfort and dignity of the Sovereign. Now, I again contend that in the true meaning and in the just spirit of that recommendation, the pensions ought decidedly to be removed from the Civil List; for pensions are obviously not connected with the personal comfort of the Sovereign, and they are no otherwise connected with the dignity of the Sovereign than as the army, the navy, the civil and military appointments are also connected with it.

I shall be told, Sir, that the committee of 1831, notwithstanding their own general principles as to the Civil List, nevertheless retained the pension fund as an adjunct to the Civil List. The reasons why they did so retain it are embodied by the committee of 1837 in their Report, and sanctioned by their concurrent opinion. These reasons appear to me not only most unsatisfactory in themselves, but utterly inconsistent with the resolutions passed by the House of Commons in 1834, which the committee cite and adopt in the very same page. What are these reasons, assigned by the committee of 1831? They say,—"Some provision ought, in all cases, to be made for such payments as it is to be presumed the Sovereign would have been desirous of making had he remained in possession of his hereditary revenue. That one class of such payments would consist of payments to those of his subjects whom he wished to favour, cannot be doubted." Now, Sir, let me ask, is this the definition which the House are disposed seriously to set forth of the persons whose names ought to stand upon a Pension List. What is this, but making the Pension List an instrument and evidence of courtly caprice and favouritism? On this definition, it is idle to talk of abuse of the pension-granting power—abuse of that power is impossible; the titles of all individuals on the Pension List are all equally good and equally unassailable—the most worthless individual who does now stand, or ever has stood, upon the Pension List, comes under the class of "those of his Majesty's subjects whom his Majesty wishes to favour, and of payments which his Majesty would have been desirous of making, if he had remained in possession of his hereditary revenues." Suppose ourselves in the reign of Charles II. What were the payments which that Monarch would have been most anxious to make; and who were the persons whom he would have been most desirous to favour? Why, the Duchess of Cleveland, and the Duchess of Portsmouth, and Mrs. Eleanor Gwyn, would have stood at the head of the list, with pensions on the largest scale assigned to them: of all payments, the payments assigned to these ladies would have been most certain to be made, while the Sovereign remained in possession of his hereditary revenues. I might make the same remark with regard to the royal mistresses in the days of George I. and George II.; and I make it with the view of showing what is the real value of the definition set forth in the words of the committee of 1831. The committee of 1831 tell us, in plain terms, that the Pension List is intended simply as a means of gratifying courtly favour and caprice. Upon such a supposition they do right in connecting it with the Civil List; but, then, upon such a supposition it would be idle to talk of investigation or inquiry into the Pension List, or of separating the good names from the bad. Now, Sir, I complain of the committee of 1837, that they have adopted the recommendation of the committee of 1831, to keep these pensions in connection with the Civil List, while they only profess to adopt—but, in reality, reject—the definition furnished by the prior committee, on which alone such recommendation was founded. For this definition was virtually overruled and abrogated by the resolutions of the House of Commons, passed in 1834, prescribing the conditions on which alone pensions should hereafter be granted—resolutions which the committee also adopt and incorporate in their Report, and which they expressly recommend as the basis of all future grants. Moreover, the House of Commons has sanctioned an inquiry into the existing Pension List, with the view of distinguishing the good and deserving names from the bad and undeserving.

Now, Sir, I contend that by this inquiry, coupled with the resolutions of 1834, now engrafted on the Civil List Bill, the pensions have ceased to be those which the committee of 1831 defined them to be; they are no longer payments "such as it might be presumed that the Sovereign would have been desirous of making had he remained in possession of his hereditary revenue;" they are "payments made to such persons only as have just claims on the royal beneficence," &c. I contend, further, that though the committee of 1831, who describe pensions as mere arbitrary manifestations of the royal favour towards individuals, and mere substitutes for the presents which he would have made out of his hereditary revenue, might consistently recommend them to continue as appendages to the Civil List; yet the committee of 1837, and the House of Commons of 1837, who describe pensions in a very different manner, cannot consistently adopt the same recommendation. Grants of pensions are now to be made only to persons who come within certain predetermined conditions. The responsible advisers of the Crown are placed under formal obligations to see that this rule is observed; and in order to make assurance still more sure, a return of the new pensions granted is to be laid annually before the House of Commons.

Now, surely, Sir, it is plain that the formal imposition of this limit divests the pension of that immediate connection with the simple and arbitrary preference of the Sovereign which alone constituted the ground for uniting it to the Civil List. In the spirit of the resolutions of the House of Commons in 1834 the Pension List ought to be disconnected with the Civil List, and to be placed upon the Consolidated Fund; and the committee of 1837 seem to me to have committed a great inconsistency in recommending the contrary.

Sir, I have hitherto confined myself to the task of showing that the amount assignable in future pensions ought not to be named now, pending the inquiry; and that if named, it ought not to form any part of the Civil List. But, in addition to these objections, I do not hesitate to add, that there are others which lie still deeper, and which lead me to call in question the wisdom and policy of the Civil List pensions generally. In introducing this topic to the notice of the House, I have first to remind Gentlemen that the position of affairs is materially changed since the subject was discussed last year and in preceding years. A wider field of debate is now open to us; we are not only at liberty to entertain considerations which were formerly closed, but we are imperiously and unavoidably called upon to discuss a question of principle, involving all the bearings of the Pension List, and the foundation upon which it rests. In former years, when this matter came under the notice of the House, no question could ever be started except as to the character of the names on the Pension List. The existence of the pension fund, the time of its continuance, and the limit of its aggregate amount, were all distinctly provided and prescribed by Act of Parliament; no debate could be entertained respecting either of these points until the decease of the late Sovereign. The only question then open was respecting the character of the names by which that Pension List was to be filled. Accordingly, it was upon this point that all the previous discussions in the House have turned; it was to the correction of this infirmity that all the precautions of the House were directed. The resolutions passed by the House in 1834, were intended to guard against the introduction of any improper names into the list for the future: the various motions made for inquiry were intended to purify the list of names assumed to be exceptionable, and to substitute better names in their place. I wish the House to recollect that at the present moment they are not circumscribed in the way that they were then. You are not only at liberty to prescribe rules for the character of those who shall be admitted to partake of the pension fund, but you may either lessen the amount or suspend the continuance of the fund itself. Parliament is called upon to take a new decision, affirmative or negative, whether the Pension List shall be permitted to remain open for future grants, or not; and it is, therefore, incumbent upon us to take a comprehensive survey of the purposes which these pensions are expected to fulfil, and of the advantages which the public are expected to derive from them. My opinion is, that no sufficient public advantage arises from these pensions to warrant us in creating a special charge on the nation for the purpose of providing them. The House will of course, understand that I speak entirely of the Pension Fund which has hitherto been connected with the Civil List. I do not at all allude to those pensions of retreat, or retiring pensions, which come to the public servant according to certain fixed and determined rules, as one particular portion of his reward for devoting his time to the service of the public. To give retiring pensions may or may not be a beneficial system of reward: on that I do not now pronounce any opinion—I do not mean to raise the question. But admitting the system of giving retiring pensions or superannuations to be ever so good, I maintain that the pensions hitherto annexed to the Civil List by no means belong to the same class or category. They differ in this material respect: the retiring pensions are awarded after a fixed method, and according to certain determinate rules; the pensions which we are now considering are by their very nature exceptionable, irregular, and discretionary. The retiring pension is looked for and relied upon, and forms part of the regular expectations of those who enter the public service. The civil list pension can only be the lot of a select few—it comes without notice and without being reckoned upon—and it can be regarded only as a lucky windfall or accident. This constitutes a broad and marked distinction between the two; and in questioning the expediency of the one, I employ arguments which have no necessary application to the other.

Apart, therefore, from all question respecting the regular pensions of retirement, the matter which the House is now called upon to determine is this:—Is it right to create a public fund for the purpose of enabling the Minister of the day to grant pensions, annually, to a few select individuals, prescribing by certain general indications the character of the persons who are to be thus favoured? Supposing the person who receives one of these pensions to be really a man of merit, still more if he be a man of merit in distressed circumstances, there is doubtless a disposition on the part of the public to sympathise with him in the satisfaction of obtaining it. I do not wonder at this feeling—still less am I disposed to blame it; but I will only entreat Gentlemen to consider that this is neither the only consideration nor the leading consideration in the case. If any great Nobleman chose to distribute a portion of his income in annuities to persons of merit and ability, most undoubtedly it would redound greatly to the credit of his disposition. But when we are called upon to provide a fund by charges upon the public, to be distributed to any class of persons whatever, we cannot suffer ourselves to be guided implicitly by sympathies for the individuals benefited. We must require to have some public purpose shown, which such a fund is calculated to answer —some national advantage which is to accrue, and in which the people at large are either directly or indirectly to partake. Now, Sir, I look in vain for any such public advantage arising out of this fund for pensions on the Civil List. Does it operate as a reward for public service? I say it does not, for 999 public servants out of 1000 go through the whole career of their public duties without ever obtaining it. Does it operate as an incitement to superior activity or good behaviour in the public service? Impossible; for scarce any one can ever look forward to obtaining it — the chance is too small to be capable of being appreciated, or to act upon the imagination of any one: it is a prospect far too uncertain to be contemplated as a motive for exertion. Does it operate to encourage pursuits and habits of a scientific or literary tendency, which, though beneficial to the public generally, are not profitable for the individual person in whom they are exhibited? It cannot be so: the prize is one which is both too small and too much out of reach to produce any such effect upon any one. Does it enable you to reward any great and signal benefit conferred upon the nation, which outstrips the measure and obligation of ordinary service? Sir, the history of the country shows that whenever such signal services are believed to have been rendered, it has been the practice to make application to Parliament for a special grant, as in the case of Dr. Jenner's discovery of the cow-pox, and other similar grants which might be mentioned. If you look with any attention upon this matter, you will see that the pensions on the Civil List neither operate as an ordinary reward for ordinary service, nor as an extra reward for extra service, nor as an incitement to useful ambition and energy. I cannot see any way in which they conduce to a really good public effect; and that is the reason why I advocate their discontinuance. The only real effect which these pensions produce is confined to a select circle under the Minister's eye — you enable the Minister to pay a compliment to some one amongst a certain select class of individuals, and to make a certain addition to his income. The classes amongst whom the choice is to be made have been defined by the resolutions of the House of Commons, now embodied in the Bill before us — the individual to whom a pension is given must be either known in the public service, or eminent to a certain degree in science and literature; but though the Minister is tied down to choose among these classes, his preference amongst the individuals belonging to them is perfectly unfettered. He must choose a literary man, or a scientific man, or a public servant, of some pretensions; but he may choose any one of these whom he pleases.

Now, what public benefit arises from enabling the minister to single out some one mathematician, or some one natural philosopher, or historian, or poet, for a public compliment, leaving all the others unrewarded? Let us just reflect upon what happens. The minister has a vacancy on the Pension List, and he wants to pay a compliment to the science of mathematics: he selects some one distinguished mathematician to fill the vacancy. Will it not constantly happen that other distinguished mathematicians will feel themselves aggrieved by this preference? They will say, "We do not care about the money, but the compliment paid to Mr. So-and-so implies that he is the first mathematician in the country, and this is a pre-eminence which we cannot admit." Sir, I say that this is a feeling both natural and justifiable. For, why is this compliment to be paid to any one particular man of science or man of letters, at the public expense, when there are others equally deserving of it? I might easily illustrate, this argument by repeating comments which I have heard made on various pensions which have been granted during the last few years; but I avoid any such allusions, because I neither intend to criticise, nor wish to appear to blame, any of these recent pensions. But I repeat, that if you place in the hands of the minister a public fund, to be distributed in pensions, either to public servants, or to men of science and letters and philosophy, the public is entitled to require that he shall single out the most exalted merit of its kind; and the moment that the minister fixes his choice upon any one, merely upon his own responsibility and without any public competition, he is sure to arouse the sensitive feelings of literary pre-eminence and personal comparison. You pay a compliment to one man of science, or to one public man, but you create a feeling of dissatisfaction and wounded pride in the bosoms of a dozen others. The difficulty which I point out is inherent in the case. And let it not be said that I am dwelling upon something too minute and trivial when I thus talk of jealousy and dissatisfaction among the scientific or literary competitors of the person to whom the minister gives the pension. Why, Sir, the only good which the pension does is the gratification which it imparts to the favoured individual; and it surely, therefore, is not improper to take some account of the contrary feelings experienced by others.

But, then, we are told that the pensions on the Civil List are not to be distributed according to public services alone, or to scientific merit alone, but partly to charitable purposes also. I cannot think, Sir, that this new ground on which the pensions are placed will be found more tenable than the other. Your pension list is then to be an asylum for public servants or for persons of literary eminence, when they happen to be in a state of comparative distress. Let me ask whether this test will be found to hold if it is applied to pensions granted during the last few years? I am quite sure that there are persons on that list among the literary and scientific men placed there since the last few years, who would feel much hurt if any one were to ascribe their pensions to the fact of their being in distressed circumstances, or to any other cause, except their own personal title and deserts. But I believe that, when we are told that the Pension List is to be devoted partly to persons of public service or literary excellence, partly to purposes of charity, it is not meant, that, in every individual case, the two grounds of claim must both be combined, but that some pensions shall be given on the one ground and some on the other. Now, this seems to me to introduce entire confusion and perplexity into the distribution of pensions. On one and the same list, you see one person placed there on the score of public services, or scientific excellence, alone; another, on the score of charity alone; and a third, on the score of both combined. The distribution of pensions will become more arbitrary and irregular than ever. It was but the other day that the question was expressly put to me by a scientific man, in reference to the speech of the Chancellor of the Exchequer, on the night when he first proposed the Civil List. "I observe (he said) that the Chancellor of the Exchequer sometimes rests his pensions on the ground of distinguished eminence on the part of the recipient, sometimes on the ground of benevolence and charity. Now, it is essential (he continued) that the point should be distinctly understood whether they are granted on the one ground, or on the other. For the value of the compliment, the meaning and inferences deducible from it, by others, are entirely different, according as the one or the other is the true reason for which it is conferred."

Sir, I perfectly agreed with the gentleman who made this remark to me. I think the scientific world have a right to know when any particular man of science is singled out for a pension charged on a public fund, whether the grant implies scientific superiority, or whether it is intended as mere relief and assistance. If you leave this question doubtful, you greatly impair the value of the pension, even as a compliment to the pensioner himself; and you entirely destroy its value, as a compliment to the general body of scientific and literary men. If we look at the real state of the case, we shall find that the only persons who are in any way affected by a Pension List are a select circle of persons whose position and circumstances make them known to the minister, who may expect to receive pensions themselves, and who may consider themselves, in a certain sense, as competitors of the person preferred. To the public, generally, no benefit whatever accrues: they receive no service which they would not have received just as much without the grant of any such pension. But what is the effect produced upon this select circle of rivals and expectants? Sir, I cannot but think that whatever effect is produced upon them is of a very undesirable character. If there be any of them who desire to recommend themselves for a grant on the Pension List, the most effectual way of doing so will be by keeping well with the Minister of the day, — by pliant and obsequious behaviour in regard to his views, — by acting so as to obtain patronage and support from the Minister's partisans. If, I say, there be any person amongst the narrow circle to whom pensions may be given who seeks to recommend himself for a preference, this is the path which he will probably and naturally follow. And is it a desirable thing that he should be encouraged to follow this path? I think not. The habit of looking up to the Minister for vague and uncertain favours is one which is the very reverse of exalting to the character of literary men or of public servants. Instead of trying to create these habits, we ought rather to inculcate the lessons of independence and self-reliance. We ought to teach them to look to the natural and constant reward of their own exertions, rather than to the accidental breath of ministerial favour — I would, at any rate, abstain from holding out to them any artificial temptation to servile or obsequious conduct.

When Gentlemen speak of the importance of encouraging literature and science by means of pensions to literary and scientific men, I beg them to recollect what proportion of the existing Pension List is occupied by names of celebrity in these departments. So far from forming the general rule, names of literary or scientific celebrity form rare exceptions on the present Pension List. Out of a total expenditure of 130,000*l.*, something between 4000*l.* and 5000*l.* is devoted to persons of literary and scientific eminence. There cannot be a greater mistake than to imagine that the Pension Fund has been either wholly or principally devoted to the sustentation of men of letters. But if it were so devoted, wholly and without reserve, would the effect be good? Sir, I think the effect would be any thing but good. The employment of a large fund in this way would give the Minister a degree of controlling influence over the literary and scientific world, which would be fraught with a large balance of evil. It would enable him to corrupt and buy over to his own service a large proportion of those distinguished minds, by whom the intellectual character of every age is formed; and that, too, without being guilty of any apparent wrong, or seeming to deviate at all from the line of his duty. He has but to let it be understood according to what principles he will dispense his rewards, what particular tone of writing he will please to recompense, and there will be abundance of authors to tread the path chalked out for them. The integrity of literary men would be undermined, and their independence of character assailed, by temptations to which assuredly but too many of them would succumb. A large pension fund in the hands of the Minister, applied in the way of discretionary rewards to what is called the encouragement of literature and science, would be apt to degenerate into a fund for the corruption of literary and scientific men. If the pension fund be small, undoubtedly the effects will be less mischievous. But the tendency will still be the same: it is the force and efficacy only which will be diminished. And, surely, if the continuance of the pension fund is to be justified upon any sound principles, we ought not only to prove that it is not productive of little or no evil,—we ought, further, to demonstrate that it will bring about some positive and assignable good.

I know, Sir, that Gentlemen, when they discuss the question, commonly state some particular cases in which some pecuniary aid is both urgently needed and specially deserved;—the case of an author struggling with want, and engaged in useful studies which are not widely appreciated,—the case of a scientific man prosecuting researches, of which the result must be long deferred,—and other such instances, which touch powerfully upon our sympathies. Sir, I do not deny that such cases exist, and that it is a great delight when persons are found who have both the means and the will to relieve them. But the question to ask is, are these the cases to which the pension fund, in the hands of an English Minister, will be devoted? Whether we consult past experience, or future probability, we may confidently affirm that such cases will occur but rarely in the Pension List. If they are found there at all, it will be by a happy accident rather than by any natural result of the system. It is not such cases as these which make themselves vividly present to the eye of a Minister, or which are forced upon his attention by influential partisans. Those authors in whose favour our sympathies are most strongly enlisted during the present discussion, are precisely the persons least likely to benefit by the Pension List. Unless their cause is espoused and enforced by some powerful patron, they will be left to work and to suffer unheeded, and their claims will be postponed to those which are more in the highway and blaze of public celebrity. And therefore, the existence of cases such as these described, of unrewarded talent struggling against the pressure of poverty, cannot be held to constitute a sufficient reason for levying a pension fund at the public expense. Surely Gentlemen will not be inclined to reason this case as if there were to be no abuse whatever in the distribution of pensions,—as if the Minister were always to seek out for the best and fittest recipient, without any other object whatever. Is it at all to be imagined that this will be the fact? Has it happened during the past, or will it happen during the future? In this matter of the Pension List, especially, there always must be a peculiar liability to abuse. There is so much discretion and favour in the case, that an absence of abuse here is altogether incredible. The resolutions of the House of Commons, and the necessity imposed upon the Minister of laying on the Table of the House of Commons a return of every person upon whom he confers a pension, will, undoubtedly, operate as a restraint to some extent: the person selected will be one of some pretension-

and qualifications, and you are secured against grants which are culpably unworthy; but, above that point, the protection is not of any efficacy, if the Minister be inclined to evade it. If any man calls to mind the solicitation to which the Minister must necessarily stand exposed, the influence made with him to favour this man or that man, it would be strange, indeed, if he were unable to bestow his undivided attention on the task of searching for the fittest man. I cannot so far banish the recollection of former experience, and the probabilities derived from influences which are no less active at the present time than they were formerly, as to believe that the distribution of these pensions, hereafter, will be such as to correspond with the lofty purposes which they are understood to aim at. The recommendation of the Minister's partisans must be during the future, as the existing list shows that it has been during the past, the most frequent passport to a pension; the large majority of pensioners will have no better title to be on the list than hundreds of others who are not on it, and have no chance of ever being on it.

Sir, in regard to that particular defence of the pension fund which is founded upon the necessity of providing means for relieving persons of merit who are in distressed circumstances, I beg the House to reflect carefully upon one particular circumstance — I mean the analogy of the Poor Law Amendment Bill. There may be Gentlemen in this House who think that this analogy has been pressed more closely and frequently than the real circumstances of the case warrant; but they may be assured that there is no one point of our proceedings on which the public mind is more keenly alive, or by which the dispositions prevalent in this House are more likely to be judged. I supported that Bill when it was first proposed, and I still continue to support it now. I think it has worked, as a whole, most beneficially for the great body of the poor; but, at the same time, I cannot conceal from myself that there are peculiar cases in which it has pressed hardly upon some individuals, and in which it has imposed the necessity of withholding relief where sympathy and compassion, if we allowed ourselves to consult them without reference to the general results of the proceeding, would have prompted us to give it. The Poor Law Amendment Act involves this very serious principle — that no relief is to be given out of the poor rates except to entire indigence and destitution — that no relief in aid is to be extended either to cases of peculiar merit, or to cases of peculiar hardship, if they fall short of this unhappy extreme — that all these special cases shall be left to private bounty and charity, and not provided for out of the public fund for the poor. I ask whether it is not altogether inconsistent with this principle of dealing, if you now bring into existence a public fund for the express purpose of relieving those same special cases in persons of a different rank from the poor, which you have forbidden to be relieved out of the public poor fund in the instance of the poor themselves? Will not poor men, who are weighed down by a very large family, or by some peculiar burden of misfortune, have some reason to complain of unequal treatment, if you enforce the principle of shutting them out from relief, in aid, out of the public fund, when you think it right to create by public tax a special fund in order to alleviate this precise species of calamities in the dependents and connections of the rich? I do think, Sir, that this would be unequal treatment: we should teach the great body of the poor the melancholy lesson that we adopted a principle of exclusion in regard to special cases of hardship on the part of poor men, and a principle of indulgence and munificence towards the special calamities of those whose position was nearer to our own. Sir, if any one cause more than another can tend to make the Poor Law Amendment Act odious to the bulk of the community, it is the idea that the poor are dealt with unfairly and unequally, and upon principles which are not supposed to apply to the ranks above them. I think that we shall be doing much to encourage and sanction this idea, if with the present administration of the poor laws, we proceed to create a fresh Pension List for the Crown at the cost of the people. Gentlemen may, perhaps, ask me whether I would think it fit to take away altogether the means of recompensing extraordinary merit or special service to the nation. I reply, Sir, that I think Parliament is the quarter to which application ought to be made, in the event of any special reward being necessary. A case ought to be made out before this House, if there be any extraordinary services or any remarkable excellence in other ways which is supposed to demand a recompence at the hand of the nation.

I know I shall he told that Parliament will be both profuse and partial, and I am well aware that this is true to a certain extent. But still I contend that the best security which you can take against excess or error is, to require that the case shall be previously proposed and approved in Parliament before any grant is made. This is the same security which we have against extravagance in any other department of the public expenditure: and imperfect as I confess it to be, still I think that the charge upon the nation would be both smaller in amount and more conducive to really beneficial purposes, than it is likely to be under the proposition of the Right Honourable Gentleman now before us. I think that propositions of this kind would not be lightly submitted to the House, when it was necessary to sustain every one of them by a statement of positive merits or services, open to comment or discussion in this House, and when every separate grant carried with it a specific addition to the public burdens. I think that propositions for special national recompence would not often be made, and would be still less often successfully made; and most assuredly in a good system such interpositions ought on all accounts to be rare. If it be contended that the Crown would be deprived of the means of rewarding ancient and faithful personal servants of the Sovereign, I submit that the proper way of obviating this objection would be to make a moderate addition to the privy purse, or to the sum allowed in the fourth class of the Civil List for royal bounty. In my view, I confess, these sums as they now stand are quite sufficient, and more than sufficient, to meet all the reasonable wants of the Crown, of the kind which I am now considering: nevertheless, if the House thought otherwise, these amounts might receive a moderate increase. Upon the principle which I propose the reward of merit would stand pointedly distinguished from relief to distress, as I think it ought to be: it would neither be dispensed through the same hands nor out of the same fund.

Sir, I have now endeavoured to state to the House the grounds on which I propose that this sum of 1200*l.* annually for new pensions shall no longer stand on the Civil List. I have stated objections which I consider to be weighty and forcible against the continuance of a pension fund generally; I have endeavoured to show that no public advantage accrues from it sufficient to induce us to create such a fund at the cost of the people; I have endeavoured to show that whether we consider it as a fund for relieving distress or for rewarding merit, in either case there are objections which more than outweigh all the benefit to individuals which can be supposed to arise from it. I have also sought to impress upon the House my conviction that, in creating a public fund for the relief of those special cases of distress in favour of which the pension fund is invoked, you place yourself in awful contradiction with the strict principle involved in the Poor Law Amendment Act, and that in the present temper of the nation, you cannot too carefully avoid the suspicion of administering relief strictly towards the labouring classes and indulgently towards others. These objections point, of course, to an entire discontinuance of the Pension List for the future; and it is my opinion, undoubtedly, that the list ought to be discontinued. But even if Gentlemen are disposed still to maintain a Pension List of the amount here defined, I have endeavoured to show the House that there are grounds for striking this particular clause out of the Civil List at present. For I contend that the provision for pensions does not properly and conveniently belong to the Civil List, and ought not to be fixed irrevocably and unalterably for the duration of a long reign; and I contend, farther, that there is a peculiar impropriety in fixing the amount of the pension fund for the future, at a moment when a full inquiry into the administration of the pension fund for the past is just commencing; — an inquiry which may supply materials most important for determining the deliberate judgment of the House as to the future amount which it may be wise to allot for this object.

Mr. HUME. — Sir, I rise to second the motion of my Honourable Friend. I do so the more readily because the proposition that is now made is the one which I myself submitted in the committee of 1831. I think, so far as reason will go, that my Honourable Friend has exhausted all the arguments on the subject, and it would be only a waste of the time of the House were I to occupy it at any length. I will only say, that my opinion is strengthened more and more every day, from the working of the pension system, that no grant whatever ought to be allowed to any individual out of the public funds. I hope that the time is coming when this principle will be acted upon. The reason why I am anxious to second the motion is, that I do not consider the continuance of the pension fund consistent with the Report of the committee of last Session. The very word "pension" is rendered odious from the abuses that have crept into the system. And such is the general feeling throughout the country, that I do not think that this grant of 1200*l*. a-year would, in the words of the committee, add either to the honour, the comfort, or the dignity of the Crown.

The question having been put, —

The CHANCELLOR of the EXCHEQUER said: — I have no reason to complain of the mode in which the Honourable Member for the city of London has introduced this subject; on the contrary, the calm tone in which he has treated it is to me perfectly satisfactory. But having done justice to the mode in which the Honourable Gentleman has introduced this question, he will excuse me if I take the liberty of saying that I differ essentially from some of the principles laid down by him, and I will also show that he is in error in some of his facts. I admit that the points of mistake are not material, inasmuch as the Honourable Gentleman has rested his chief argument upon principle; but whether the question is more or less material in arguing this subject, I think it necessary that the House and the public should be precisely informed with respect to the money part of the argument, and the exact charge which by the new plan is intended to be cast upon the public as compared with the previous plan. The Honourable Gentleman has stated that the charge of 1200*l*. a year in a period of twenty years amounts, by my admission, to the sum of 40,000*l*. In this the Honourable Gentleman is completely and entirely mistaken. What I have stated is this, that 1200*l*. accumulated in any way for the youngest and best of lives could not produce 40,000*l*. I am, therefore, surprised that the Honourable Gentleman has fallen into this mistake. My statement was this, that the combination of the old Pension List and the new Pension List would amount to that sum; but I must observe, that this statement applies to the combination of both lists. This is a mere question of fact, and I call the attention of Honourable Gentlemen to the reduction which has been made on the previous Civil List as a most material consideration. Under the old system of fixing the maximum at 75,000*l*., which is supposed to be filled up, as in all probability it will be, during a period of, say, twenty years, this sum would be annually charged upon the Pension List. By the new plan, as adopted in the Bill before the House, this charge will be reduced in a period of twenty years to the sum of 41,000*l*., thus showing an absolute saving of not less than 34,000*l*. The Honourable Gentleman's argument may be justly said to apply to the lesser sum as well as to the greater; but as the House has been told that no reduction is effected, but rather that there is an increase in consequence of the provisions of the present Bill, I think I have a right to call the attention of Honourable Members to the fact. It may be ascertained, by calculations, what is the actual value of the faculty vested in the Crown under the old system of fixing the amount of pensions at 75,000*l*., taking the average of the pensions. If you take this, and compare it with the value of the faculty of creating new pensions to the amount of 1200*l*. a-year, the difference in the amount is not less than 778,000*l*.

I will now proceed to the argument of the Honourable Member, which divides itself into two parts. The one is, whether pensions shall be granted at all; and the other, whether, if granted, they shall be granted by the Crown? I beg to say one word of a preliminary nature on the second part. I am afraid there is a decided difference between the principle on which I am disposed to act and the principle laid down by the Honourable Member for London. That Honourable Gentleman wishes altogether to separate form the Crown of England the power, under just regulations, and under strict parliamentary responsibility, of conferring any rewards. I wish, on the contrary, that this power should attach inseparably to the Crown. Such a power must exist somewhere, and I think it is consistent with our monarchical principles, of a fixed Government, that the source of honour and rewards should be connected with the Crown. I think that such a power could be more safely lodged with the Crown, under parliamentary responsibility, than elsewhere, and it is in accordance with the principles on which this House has on former occasions thought proper to act. Upon those principles, there arises an irreconcileable difference of opinion between the Honourable Gentleman and myself; and I think that if the argument against the Crown be good for anything, it must go further, and make all rewards, honours, and distinctions proceed from Parliament, and not from the Crown. The argument of the Honourable Member, if it be good for anything, goes this full length, and the principle he advocates strikes at the root of the monarchy itself. But the argument of the Honourable Gentleman goes further. The principles of the Constitution, as I understand them, create the Crown the source of all honours and distinctions.

But the Honourable Member for the city of London calls upon the House to affirm a principle with regard to the grant of rewards, which, if applied elsewhere, would be destructive of the best interests of the country. Would the Honourable Member have the Parliament appoint the judges and all the other judicial officers who are now appointed by the Crown? If he would make the Crown the source of honours and distinctions, why attempt to deprive the Crown of the right of granting rewards of this description?

But I will come to the argument with respect to the question, whether pensions shall be granted at all? I have endeavoured to show that, in point of economy, the provisions included in the Bill before the House are such as to recommend themselves to their adoption. But there are other grounds on which I rest my economical argument. The Honourable Member for the City of London has said that he would exclude altogether superannuation allowances and rewards for retired public servants. Now, I think the Honourable Gentleman is not very wise in so doing. There are many cases in which rewards for public services may be safely and properly given under parliamentary responsibility, which will not come under the strict rules which apply to ordinary cases of superannuation allowances. There are many cases in which the strict rules on which rewards are granted for wounds and public services would exclude persons who might have the strongest claims upon the gratitude and good feeling of the country. The effect of the Honourable Gentleman's proposition would be to place us in this difficulty, that though there would be a right with respect to retired and superannuation allowances, they would be subjects of indefinite application, sources of infinite inconvenience and expense to the country. You must have, now, another fund from which public servants, subject to parliamentary responsibility, may obtain those rewards, which they cannot and ought not to have under the strict rules of the Pension List. If I had the list before me, I could show innumerable cases of this description. The Honourable Member for the City of London is himself a Member of the Civil List Committee; and I will take upon myself to say, that he will himself admit, that the committee has had before it innumerable cases of this description. The Honourable Member says, that he wishes that a line of distinction should be drawn between those pensions which are granted for scientific and literary attainments, and those which are granted from charity. I admit that the class of arguments which applies to the one is essentially distinct from that which applies to the other. The Honourable Gentleman says, that on the part of the scientific and literary world he is desirous that there shall be no such thing as pensions at all; and the Honourable Member gives, as his reason, that he apprehends that these rewards are given for the purpose of influencing the opinions of authors or men of letters.

Now, I do not think it possible for any individual, in these days, to suggest such a motive or such a consequence. Does any man think that the pension was granted to Dr. Dalton from political motives? Did the Right Honourable Baronet opposite (Sir Robert Peel) hesitate, for a moment, to grant a reward to Professor Airey, or did he inquire, beforehand, into Mr. Airey's politics? Or was the reward withheld from that gentleman because he happened to hold entirely opposite opinions to the Right Honourable Baronet? If I am not much in error, — I know not whether I have been misinformed, — but respecting one pension which was brought into question early in the present Session, namely, the pension granted to Mr. Moore, I believe that expressions of the greatest kindness were used by the Right Honourable Baronet, when the Right Honourable Baronet stated, that if the pension had not been already granted, he would not have been indisposed to have taken into consideration the claims, the genius, and the talents of Mr. T. Moore. I have heard such a rumour. I know not whether it be true, but this I do know, from the evidence of the papers before me, and the facts that have come to my knowledge, that whether Mr. Moore has been a Whig, or Mr. Southey a Tory, — whether Mr. Wordsworth or any other distinguished person has been in question, no Minister would be base enough, in the days in which we live, to make a selection from a reference to the politics of the parties; and, if a Minister had been base enough, he would not have been fool enough, to commit himself to such a prostitution of the power reposed in him. But I must say, that I have a better opinion of the character of literary and scientific men than the Honourable Gentleman (Mr. Grote). I believe that if any Government were so disposed to prostitute their power, there is a spirit in literature and science which would not allow literary and scientific men to be insulted, or their talents to be disgraced, by their being turned to such miserable purposes of political profligacy.

I will now refer to the reports when literary pensions were first brought under the consideration of this House. I will allude to the pension granted to Dr. Johnson. Did any one ever ask what were the politics of the learned Doctor? The Honourable Gentleman must have means of information from which I am excluded, if he has reason to believe that the pension which was given to Dr. Johnson was at all given on political grounds. Why, Mr. Fox, who was as good a judge of literary merit as of politics, objected to the grant, and said it was a disgrace to the Ministry to propose it, because it was an insufficient reward for the great philosopher's literary labours, and declared that the grant ought to be doubled, if given at all. With respect to service pensions, I cannot, for a moment, allow that in such grants there are any of the considerations enumerated by the Honourable Member (Mr. Grote). The poor laws were intended as a relief for distress and destitution, and not as a reward for public services. If the Honourable Gentleman feels the full force of his argument, he ought to declare, openly before the House, that, in every case where an officer or public servant receives a service pension, whose family or relations are rich or well off, the pension should be withdrawn. There is not the least analogy between the poor law provisions and the grants for public services. Now, with respect to the pensions of bounty. The Honourable Gentleman says, that this bounty has always been abused. I do not deny it. But what is now the object of the House in legislating upon the subject, but to prevent abuse for the future? As to the argument which the Honourable Member adduces, that if pensions are to be granted, the House, and not the Crown, should be the medium of granting them,—the point has been discussed so recently, that I will not detain the House by arguing it. The Honourable Member has alluded to the case of Captain Ross,—a case in which the Crown would not have made a grant without inquiry; but so anxious was the House of Commons to assist the gallant officer, that it first made the grant, and afterwards established an inquiry into its necessity. This circumstance proves the liability of this House to commit many abuses, and I deny that it is the proper tribunal to originate pensions, although it may judge of the discretion of the Government, who are responsible for all their recommendations. Let the House recollect that it is to have all, in the way of supervision, that it can require; the Pension List will be laid before it every year, when Honourable Members will be able to object to any one grant which they do not think justified by the circumstances of the case. If the House were to exclude the clause for the very limited grant, it would be, for the first time in the history of this country, that its Sovereign would be left without the means of rewarding literary and scientific merit. If the views of the Honourable Member be adopted, it will be vesting in the House of Commons the exclusive right of conferring all appointments and dignities, and it will be depriving the Crown of its highest and most valuable prerogative. Again, that power will be vested not in the collective body, but in the majority of the House, who may act under the influence of party and political impulse. It would be more advisable to dispense altogether with pensions than to leave their administration to this House. All former pensions have been vested in the Crown, and what I now ask of the House is to regulate the principle, and limit the amount of the Pension List, but not to deprive the Sovereign of those resources of which she would have been in possession had not her hereditary revenues been given up to the country. It should be the prerogative of the Monarch to reward literary and scientific merit; and, holding this opinion, I shall vote against the motion of the Honourable Member for the City of London.

SIR ROBERT PEEL.—It is my intention to give my decided vote against the proposition of the Honourable Member for London, because I conceive its object to be to deprive the Crown of the right of granting pensions as the reward of merit. At the same time, I cannot say that the provisions in the Bill are altogether satisfactory. I think the sum of 1200*l.* as an annual grant for pensions, is far too scanty, particularly when the Right Honourable Gentleman the Chancellor of the Exchequer has consoled the House by stating that, in twenty years, there will be a saving of 30,000*l.* per annum to the country by the arrangement. This confirms me that 1200*l.* is an ungenerous grant. At the same time, I think that there are advantages in allotting a fixed annual sum to the Crown, provided that the grant is a liberal one. The allowing of a pension depends, in a great measure, upon the means in the hands of the Crown to pay it, and where the power of so doing is, as in the reign of William IV., contingent upon the falling in of existing pensions, it will often happen that, at the time when there are most calls for grants of this kind, there are no means of making them; whilst, at other times, the Crown will have more abundant means at its disposal than the occasion of the day requires. I think, therefore, that a fixed sum, provided it be of such an amount as to be a fair equivalent for the means already at the disposal of the Crown, would be an improvement. But I must say again, that I think the sum of 1200*l.* a-year too small, when it is considered that out of it are to be met all the pensions for the three great divisions of the kingdom.

There is another feature, also, in the plan of the Right Honourable the Chancellor of the Exchequer of which I disapprove, namely, that, in any year, if the Crown do not grant pensions to the full extent of the 1200*l.*, it is not to have at its disposal the residue for the ensuing year; but that, in no year, the Crown is to grant more pensions than to the amount of 1200*l.* I must say, that I think it would be better not to limit the discretion of the Crown in this way, as it must naturally occur that in some years there will be more proper occasions for its bounty than in others; and the object of Parliament in affixing a limit at all will be fully answered by providing that the grants of the Crown in pensions shall not exceed an average of 1200*l.* a-year, taking one year with another. I trust, therefore, that this part of the Bill will be reconsidered, and altered in a way, as I think, tending manifestly to the public advantage.

The next objection which I have to the plan of the Right Honourable the Chancellor of the Exchequer is the proposal to call upon the Crown to lay upon the Table of this House, every year, a list of the pensions granted by virtue of this Bill.

Several Honourable Members. — Hear, hear, hear!

SIR R. PEEL. — There are some Honourable Gentlemen in the House who really do not seem to be at all disposed to be satisfied with any arrangement whatever on this subject. They first make a resolution to govern the Crown in the distribution of all future pensions, — a resolution to which the Crown has shown every disposition to adhere, and which it has hitherto acted up to most implicitly; yet with this resolution the very Honourable Members who assisted in passing it are now finding fault. Now, when the Right Honourable the Chancellor of the Exchequer spoke, as he did, of our bounden duty to preserve the monarchical prerogative in the distribution of these bounties, I wonder that he did not premise that the very arguments which he used bore directly against his own proposition. The fact is, that the Right Honourable Gentleman, in his anxiety to conciliate both sides of the House to his scheme, has necessarily been betrayed into inconsistencies which will hardly escape observation. When the Right Honourable Gentleman, addressing his own friends behind him, said that the House of Commons ought to exact a yearly statement from the Crown of the manner in which it has disposed of the sum of money granted to it by this Act of Parliament, I marvel that the Right Honourable Gentleman did not perceive that such an exercise of authority would almost amount to a veto upon, if not actually to a directional power over, these bounties. The Right Honourable Gentleman has said that the Crown is the fountain of honour and favour. Now, this being the case, I cannot see that the prerogative of the Crown applies any more directly to one than to the other; yet what would the Right Honourable Gentleman say, if it were proposed to make the Crown give in a return to this House of all the titles and honorary distinctions which it has conferred from year to year? Would not this be objected to as a pretence, on the part of this House, to exercise an inquisitory authority over the exercise of the royal prerogative?

I am aware that returns of pensions in existence have been given from time to time; but this was done at particular periods, and upon a requisition made, either when the House was about to legislate upon the subject of the Civil List, or when a strong feeling of jealousy or misgiving existed as to the application of these funds. But I think there is a very clear distinction to be drawn between an occasional return of this kind, and a yearly legal presentation for the purpose of challenging inquiry into the acts of the Crown. I must confess that, when I heard the speech of the Right Honourable Gentleman, I was very much surprised at his making use of observations so very contrary to what I have been accustomed to hear come from that side of the House. It only shows what rapid changes we have to expect from that quarter; and we ought not to be at all surprised if, seven years hence, we should see a proposition emanate from the Right Honourable Gentleman's party to take away all power to grant pensions from the Crown, and to vest it entirely in the House of Commons. I have already said that I consider the grant of 1200*l.* far too limited for the proper exercise of the royal prerogative in the rewarding literary and civil merit. This is my opinion, and I predict that the country will participate in it before very long. What will be the consequence? The feelings of the country will revolt at seeing men who have devoted their talents and their energies to the prosecution of literary and scientific pursuits, for the practical benefit of the community, languishing in distress and want. The Crown will be applied to to succour them, — but applied to in vain; for, with every disposition, it will not have the means to grant pensions so loudly demanded by all the dictates of humanity, of gratitude, and of sound policy. What will be the case, then? The House of Commons will have to step in, and avert the consequences of an error of which it has been guilty, but, at the same time, will take to itself the merit of the grant, to the obvious disparagement of the Crown. All this may not be the consequence of a premeditated step towards republican principles, — the desire may not, perhaps, now exist to establish the power of the House of Commons on the ruin of that of the Crown; but, as the right to grant bounties must be exercised, and must rest somewhere, — so, if this grant, in the hands of the Crown, be now thus restricted, that power must eventually be taken out of the hands of the Crown, altogether, by the House of Commons.

Having expressed my opinion that the proposition of the Right Honourable Gentleman, limited as it is, is fraught with dangerous consequence to the monarchical principle of these bounties, I shall proceed to another branch of the subject. I must say that it is rather extraordinary to find Honourable Gentlemen who formerly required that all bounties should be confined to rewarding literary or scientific merit, and who caused a resolution to be passed to that effect, now quarreling with their own regulation. The Honourable Gentleman opposite has said that giving a reward to a meritorious individual is a very invidious proceeding, and calculated rather to give offence than otherwise to the other members of the same class. Now this, I must be allowed to state, is a most extraordinary argument. Why, what used to be said of this country, in comparing it with surrounding nations? Was it not said, that despotic nations rewarded science, and selected eminent scientific and literary men, anxious to pay them a just compliment, whilst they also afforded them a substantial reward? "See," it was said, "what despotic governments do: they reward science — they select eminent men — and are anxious to pay a compliment to them, by conferring upon them some substantial reward." The argument of the Honourable Member is completely against Sir Walter Scott's being made a baronet, because I contend that it applies equally to granting a dignity as granting a pension. Doubtless the Honourable Gentleman will say that the honorary distinction cost nothing, while the pension would put the country to the expense of 300*l.* a year. This is the *argumentum ad pecuniam* which seems altogether to influence the Honourable Member's views in this matter. I always think that when a literary man of eminence is selected for royal favour, the whole class is elevated and complimented in that act. I well recollect what was said, over and over again, on the former debates on this subject,—that by granting pensions too exclusively to persons connected with the military profession, or with politics, those two classes of public characters were elevated into undue importance, to the disparagement of meritorious conduct in other useful pursuits. It was then that a resolution was passed for rewarding literary merit and scientific acquirement; and now that this resolution is being faithfully acted upon, the Honourable Gentleman complains that by rewarding members of the literary profession with pensions the circle of letters is degraded, and the other members of it have cause to complain of an invidious selection having been made for the royal bounty. Then it appears that the real ground of complaint now is, not what it was formerly,— that literary merit is not rewarded; but—that it is rewarded;—in other words, Honourable Members quarrel with their own resolution. In my opinion, it is proper that literary and scientific men of merit should receive the occasional aids which they require, and be honoured with the conventional distinctions which are established in a monarchy — I think that these rewards should be conferred only by the Crown; and that unless there is suspicion of abuse in the exercise of the power of the Crown, it should not be questioned by this House; still less should those rewards and distinctions be conferred by the majority of this House. On these grounds I shall oppose the motion of the Honourable Member for London.

Mr. CLAY. — I shall support the motion of the Honourable Member for London, for two reasons: in the first place, because I fully coincide in the opinion of the committee on the Civil List, appointed at the commencement of the last reign, who recommended that the Pension List should be separated entirely from the Civil List of the Crown; and in the second place, because I think that the proposition for granting 1200*l.* a-year to the Crown, for new pensions, is an injudicious, a crude, and an improper one; involving the Crown in much difficulty and responsibility, in its exercise of which it may entail upon itself much of public odium and disappointment. At the same time I beg to be understood that I cannot go along with my Honourable Friend (Mr. Grote) to the full extent of his argument, and say that no pensions should be granted except by this House; still less am I prepared to say that no pensions ought to be granted at all. On the whole, I think that there is much indiscreet haste evidenced in bringing forward this proposition at the very moment when a committee is sitting on the subject. I think that at least such a grant should have been withheld until that committee had made its Report. With regard to giving the right to the Crown of allowing any pensions at all, I am not prepared to affirm that there are no conceivable circumstances under which the Crown, as the fountain of honour, should not have the power of bestowing pensions. I maintain that there may be a certain combination of circumstances under which no rule, *à priori*, can be made to determine what is the privilege which the Crown should enjoy in remunerating eminent public services. I am, however, quite averse to the proposition for allowing such a power to be reposed in this House. A popular assembly never wisely interferes with the distribution of patronage; and no instance can be found, either remote or proximate, in the history of this House, by which it can be proved that Parliament ever wisely performed the appropriate duties of the Executive. If there be any privilege with which this House can be less wisely and advantageously entrusted than another, it is, beyond all doubt, the power of originating money grants to individuals. An assembly, such as the House of Commons, is too much governed by impulse for the just exercise of such a right. The course of their proceedings, I fear, would be this: that, under certain circumstances, they would give a great deal too much, whilst under the influence of other considerations, and swayed by some feelings of the moment, they would be tempted to neglect public services of the highest order. The temper in which a popular assembly would grant pecuniary remuneration to individuals is, I think, well illustrated in an expression used by Sterne's celebrated character, Yorick. He is represented to have said, when touched with compassion for the sufferings of an individual, "that he gave him all the money in his pocket." He does not inform the reader what was the exact amount; but in giving his reflections on it afterwards, he says, "that he considered it at the time much too little, but he has since deemed it a great deal too much." Such, I am convinced, is the spirit in which a popular assembly would act, if invested with the power which is contemplated. With the limitations which I have laid down, I shall give my support to the motion of the Honourable Member for London. I hold myself at perfect liberty, when the Report of the committee for inquiry into this subject shall be laid before the House, to support a resolution for granting a specific sum, annually, for this object out of the consolidated fund, though I am not at all sure that it ought not to be a larger sum than the 1200*l.* a-year now proposed. I look upon that sum as either too much or too little; and consider the grant proposed by the present Bill hasty, without the Report of the committee.

SIR R. INGLIS. — I differ, almost equally, from each of the two sections of Honourable Gentlemen arranged on the opposite benches. I cannot concur in the opinion, that the sum which the Crown now receives for the purpose of granting pensions can be found too large, though I am quite willing to hold with the Honourable Gentleman who has just sat down, — that it may be too small. The first words which I heard from the Honourable Member for London, as I entered the House, were grounded on the proposition, that as the Crown was, according to the popular maxim, considered the fountain of honour, this House should be viewed as the fountain of special reward. My Right Honourable Friend the Chancellor of the Exchequer, with great consistency of argument, but singular inconsistency of conduct, asked the Honourable Member for London this question: — "If you concede to the House of Commons the privilege which you require, with what colour, afterwards, can you deny that it must also be looked upon as the fountain of honour?" I understood the Honourable Member for London to assent to that conclusion.

Mr. GROTE. — No; I never did so.

SIR R. INGLIS. — I certainly understood the Honourable Gentleman to concur in the view suggested by the Right Honourable the Chancellor of the Exchequer. Giving the Honourable Gentleman, however, full credit for his denial, I still conceive that the conclusion at which he has arrived is imperfect, and that if he maintain that the House of Commons should exercise an exclusive control over the expenditure of money for compensating individuals who have contributed to the public service, there is no reason why it should not also preside over the distribution of honours. This view of the question is strengthened by the admission which the Honourable Member for London has made,—that the bounty fund of the Crown ought to be increased; and that it should be disbursed, not in the shape of pensions, but of alms. It appears to me, that the wisest course would be to leave the Crown unfettered in the disposal, not only of this 1200*l.* a-year, but in its larger revenues. The amount of the income of the Crown has been diminished, by taking away the hereditary revenues; and after having deprived the Sovereign of one half of funds irresponsibly distributed, it is required that an account shall be rendered of the whole sum which is now received. It is not just to hold out to the Crown the semblance of free agency, whilst its revenues are periodically subject to the revision of this House. I trust that some Honourable Member — I hope it will be my Right Honourable Friend near me (Sir R. Peel) — will move that this clause be altogether omitted. I hold that though this House is fit to originate all parliamentary pensions, it is not a tribunal which ought to decide as to the amount or distribution of other pensions. In those cases they ought to be left to the decision of the Crown; and the money granted for this purpose should be given absolutely, and without any limitation; or it would be a mockery of power, and would place the Crown in a more invidious position than it before occupied, with repect to the same subject. I think the Ministers of a young Queen, who has just succeeded to the throne, have not acted well in limiting to so small a sum the amount which is left at her disposal, for the purpose of pensions; and I regret it, both on account of her Majesty, and the country. I believe that the latter would have sustained the Ministry in upholding the just privileges of the Crown; but they have taken a course which satisfies neither party, and have yielded the principle, without remedying what is considered, by some of their supporters, a practical grievance. The Honourable Member for London is against any pensions; and is equally opposed to the grant of 1200*l.* a-year as to one of 12,000*l.* a-year. Looking, however, with no feelings of approbation on the general proposition, I still feel bound to prefer it to the amendment which has been submitted.

Mr. C. BULLER. — I feel bound to take a part, though I do so reluctantly, from an indisposition to trespass on the attention of the House, in this discussion; because I am compelled to vote against those with whom I have been in the habit of acting, and I wish to convince them that it is from no unworthy motive that I thus act, but that my opinions, however erroneous they may be, are taken up with sincerity, and are the subject of much reflection. I wish, in the first place, to state, that of all those who have spoken on this question, I most agree—indeed I may say that I almost entirely concur — with the Right Honourable Baronet the Member for Tamworth. I do not think there is any great force in the special argument used by my Honourable Friend the Member for Dublin, and it strikes me that the views of the Honourable Member for the Tower Hamlets (Mr. Clay) are contrary to the general principles which influence my vote. I admit, that if the amount of pensions had not been reduced to a large extent, the argument would be, that we should be stultifying our vote for inquiry if we resolved to grant the same, or almost an equal amount, as that now submitted to the committee. If the labours of the committee lead to any important results, it is probable that some portion of these pensions will be found to be misapplied, and that a reduction to that extent ought to be made. But when I heard the statement of the Right Honourable Gentleman the Chancellor of the Exchequer, which has not been rebutted or even touched upon by any Honourable Member who has spoken, that the enormous reduction has been effected in the amount of pensions of 75,000*l.* to 40,000*l.*, I felt that such a diminution must exceed anything which the committee could effect. I cannot conceive that a committee, admitting the principle of granting pensions at all, can come to the conclusion that 40,000*l.* could not be usefully employed for accomplishing such an object. I think that the fear of making too great changes, and shaking public opinion too much, will fix the reduction which has been made, as one large enough for the demands of the country. I cannot but recollect that, seven years ago, the Crown of England had the unlimited disposal of 150,000*l.* a-year, and that that grant is cut down to 40,000*l.*, with strict and annual responsibility. I do not concur in the assertion that the proposed 1200*l.* a-year is too small an amount, though I fully concur in the opinion, that the distribution of pensions should not be correspondent to that amount in any particular year. The result of this resolution would be, that the full amount being given to be applied to each separate year, and carried over to no other, unmerited pensions would be granted, in order to expend the whole sum of 1200*l.* a-year.

But my Honourable Friend the Member for London objects altogether to the principle of granting pensions by the Crown. I wholly differ from him, because I conceive it is a power which should be reposed in some authority in this great and highly civilised country. I think it desirable that men of letters should be fostered by the Government, when labouring, not for popular applause, or for the sale of their works of the day; but that their spirit should be sustained, whilst contributing to the advantage of posterity, without receiving the recompence of popular favour. If we look to the authority of those who have done the most friendly services to and conferred the greatest benefit upon posterity, — if we go back to history,—we shall find that of all those who have implanted the impress of their own thoughts on future generations, there has not been one who was not supported by the bounty of the Crown or of individuals. I might give the challenge to produce any great name in our literature, from Chaucer's down to those of our own time, and ask whether there is any considerable number of their profession who were not supported by regal or individual generosity. Let the House look to those who were maintained by the Earl of Essex and by Queen Elizabeth, as well as by the dissolute and worthless Charles II., whose pleasure, interest, and taste it was to cherish literary excellence. Let us look to the munificence of our nobility. I must confess that I am afraid the spirit which formerly actuated the nobility has passed away, or, at least, that public feeling is so altered that men of eminence will not brook to receive the bounty of an individual. I am afraid that such a philosopher as Hobbes would be loth to confess that he lived on the bounty of a Duke of Devonshire, and that the free and independent spirit of such a man as Locke would never consent to be looked on as supported by an Earl of Shaftesbury. One of the brightest ornaments to the Pension List was Dr. Johnson, who, when party spirit ran most high, did not disdain to receive the bounty of the Crown. Nothing can better illustrate the propriety of bestowing the bounty of the Crown on those who have applied their genius to the benefit of posterity, than the comparison between the pursuits of the two eminent men, Drs. Dalton and Wollaston. The first exercised his powers in extending the boundaries of science; whilst the other felt it his interest to engage in practical discoveries, which were not the fittest occupation for so great a mind.

I am convinced, also, that public remuneration ought not be confined to great men, and that such characters as Lord Chatham and his descendants should not be alone — profusely, I may say — provided for. Is it proper or decent that great merits only should be regarded, and that such individuals as Colonel Stewart, whose services were perhaps equally useful, should be neglected, and their children left without any remuneration? If a proposition were made in this House for giving some reward to Colonel Stewart, scarcely any one would be found, amidst the turmoil of party contention, to recognise his claims on the public generosity. Well, then, here is a case in which the power, vested in the Crown, might be most beneficially and judiciously exercised. According to the spirit of every wise constitution such a privilege should be confided, not to a representative assembly, but to the Executive. I know not of what use an hereditary Executive, or any executive at all, is, if it be not better adapted to decide, by its individual discretion, such matters, than if these were trusted to the judgment of a numerous assembly. At the present moment, when it is desired to introduce a new system, and when a check is to be put to jobbing, it is wise, for some time at least, to have these matters made the subject of annual investigation. I must confess, however, that the best course would be, to postpone passing judgment on these grants until after the lapse of a considerable time. I do not consider the time at which they are given the best for determining the merits on which they have been founded, biassed more or less as they must be by the expressions of popular favour, or the animadversions of the day. It would perhaps be best to have the Pension List revised at certain periods, — say, on the accession of every Monarch. I am certainly favourable, for the reasons which I have stated, to establishing annual returns as to the pensions granted at the present time; but I must protest as strongly as any Honourable Gentleman at the opposite side of the House, against making this House the arbiter of individual claims to the public bounty. Such a change must lead inevitably to a system of jobbing, of profusion, niggardliness, and unwise distribution of patronage, which will produce a deplorable waste of the public money, and be attended, in all respects, with the worst possible consequences to the country. I really believe, that it would often happen that the best pension would be that which was least favoured by the opinion of the day. It must be recollected that no pension ever excited more animosity than that conferred upon Dr. Johnson; and yet we look back to that just tribute to the unquestioned abilities of a great man, without any prejudice as to his support of the American war, but with a firm conviction that it proved the discernment of a Government in enabling a powerful mind, — whose opinions, though they may be considered erroneous, must be admitted to have been consistent and comprehensive, — to keep its energies alive, and to labour for the instruction and advantage of posterity.

I must refer to an instance in our own times, which proves the truth of the proposition I have laid down. I beg to allude to the pension of Mr. Coleridge, which was granted by Lord Grey's Government, and which reflected great credit upon it. Of all those who have contributed to the literature or philosophy of the country, the opinions of half the thinking men of the present day are more influenced by the writings of Coleridge than by those of any other individual; but at the same time he was desperately obnoxious to a particular party, and the consequence was, there was a greater outcry raised against his pension than almost any by which it was preceded; and it was in consequence withdrawn. Against the allowances given to Mr. Wordsworth and Mr. Southey a most illiberal outcry was raised, — which, in conjunction with the disapprobation expressed in the case of Mr. Coleridge, proves to me, that public opinion is not always exercised for the benefit of the community, or for the promotion of the interests of science.

It has been said that this power of granting pensions might be converted into a means of bribing literary men. Now, in the first place, I do not consider that influence the most dangerous which we have to fear. I think there is much greater danger that literary men would, for profit, flatter the passions of the multitude, than that they would be subservient to the interest of the Crown. By such a course, too, they would be likely to acquire a larger portion of that honour to which all superior minds aspire, namely, the good opinion of their fellow-creatures. But is it prudent to deprive the Crown of the means of direct corruption, while there is left to it the power of effecting that object much more effectually? If it was really the object of the Crown to corrupt Mr. Wordsworth, it had the power of doing so much more effectually by giving him the situation of stamp distributor, than by selecting him as the recipient of a pension which must attract public attention. It appears to me, that the danger of corrupting literary men does not apply to the Pension List, when there are so many modes of accomplishing the same object. It has been remarked, that pensions are sometimes given as a compliment, without reference to the wants of the individual. Now, I look upon the power of granting pensions as one of the most important trusts which can be confided to the Crown. The Crown is enabled, by it, to render great and immortal services to posterity, by fostering that species of ability which is most worthy of protection. The pension which appears to me, in this light, to be the worst since the new system has been established, is one of those given, at different intervals, by the Government of the Right Honourable Member for Tamworth, and that which has succeeded it, — I allude to the allowance made to Mrs. Somerville. That lady, I understand, is in perfectly easy circumstances, and her husband receives large salaries from offices which he holds under the Government. However meritorious her researches may be, —and no one wishes less than I do to depreciate them,—they are confined to the acquirement of branches of learning to which her sex has not, generally, aspired; — and no one can undertake to say that they add anything to the stock of human knowledge, or enlarge the bounds of science. Such a waste of money is to be the more deplored, when I recollect the circumstances under which that grant was made. I cannot but consider that pension a cruel perversion of the application of the fund, when I reflect that Dr. Wallace, the professor of mathematics in the university of Edinburgh, who, next to Ivory, is the best scientific scholar this country has introduced in the present century, and who spent his life in writing books of great value, and in teaching, was refused a pension when he found himself reduced to poverty in his old age. I am very much obliged for the attention which the House has given to me, whilst explaining my views on this subject, upon which I feel constrained to dissent from those to whose judgment I am accustomed to defer, and in whose principles I mainly agree. I must, however, give my assent to a mode of rewarding literary merit, which, if not the most wise and honest, is more so than any other means which the Constitution affords.

SIR RONALD FERGUSON. — The Honourable Member labours under a mistake, in supposing that Mrs. Somerville is in such affluent circumstances as he has stated. Her husband is merely physician to Chelsea Hospital. Beyond the salary which he receives there, they have no pecuniary resources; and if Dr. Somerville were to die to-morrow, she would be left without the means of support.

Mr. F. BARING.—I have followed the Honourable and Learned Member for Liskeard through his admirable and ingenious comments on this subject, and I cannot help thinking that the manner in which the Honourable and Learned Gentleman has canvassed the peculiar merits of particular individuals will tend to illustrate what might be the course of argument and discussion if the House were to grant these pensions, and not the Crown. The Honourable Gentleman, though not intending to be offensive, must have felt that the allusions made to Dr. Wallace and Mrs. Somerville were objectionable. Perhaps I may be allowed to give some explanation of two of the cases which have been mentioned.

Several Honourable Members.—No, no!

Mr. F. BARING.—I mean only to justify the course which the Government pursued, and not to dwell on individual merits. The Honourable Gentleman has said that Dr. Wallace's application for a pension was refused. Now, the Noble Lord, who was then in power, when that application was made to him, said, that there was no vacancy on the Pension List, and therefore his request could not be granted, but that it should receive his earliest attention; and I believe an offer was made to him from the Crown, that he should be put in the situation which he would have been in if a vacancy had occurred, and that that offer was accepted; and he has actually received money from the bounty of the Crown. With regard to Mr. Coleridge, he was placed on the list of pensions granted by George the Fourth to literary men. At the death of that monarch these allowances dropped, and were not renewed in the succeeding reign; but the recipients were continued on the Pension List for the amounts which they previously received, when vacancies occurred.

The Right Honourable Baronet has said that 1200*l.* is too small a sum to be thus granted; and on this point I may, perhaps, agree with him. But the Government can neither be blamed nor praised for the reduction, for it has been made at the suggestion of a select committee. The Right Honourable Baronet has said, that if the grant were restricted to 1200*l.* in any one year, the Crown would be pretty sure to grant to the full extent of its power. That is the very point to which I called the attention of the committee; and I regret that I did not receive any support from the Right Honourable Baronet at that time. The provision in the Bill is conformable with the recommendation of the committee, which the Government have thought it their duty to adopt. The Right Honourable Baronet has objected to the laying of the names of the recipients of the pensions annually before the House; and has observed that the lists of promotions of honour made by the Crown are not in like manner laid on the Table of the House. That is very true; but still it is equally true, that they are made public, either by means of the *London Gazette*, or by some other way. I really do not believe that the Right Honourable Baronet will contend, that no protection is requisite against improper grants of pensions. In Mr. Burke's Bill relative to the pensions, certain checks upon the indiscriminate grant of these pensions are shadowed out, and the Government is bound to take care not to break through them; but distress and good deserts are expressly stated to be good grounds for granting them; and the House will have to say whether the intentions of the Legislature have been fairly carried into execution. The practical working of the proposal, to lay the names upon the table, will be, not to raise a discussion upon the individual names, but to check the profuse grant; to cause a strict examination into the merits of the original claim, and to place a severe control over the Government.

Several HONOURABLE MEMBERS. — Divide, divide!

Mr. HAWES. — I can assure the House that I will detain it only a few moments. I am exceedingly anxious to state why I differ from my Honourable Friend the Member for the city of London, and, also, why I intend to pursue the same course as I did in the committee. I fully concur in the sentiments expressed by the Honourable Member for the Tower Hamlets. In my view of my Honourable Friend's motion, it does not raise the principle whether pensions ought to be granted by the Crown, or not; for, if it did, I should certainly give it my support; but all that it does is, to say that the annual sum of 1200*l.* shall not be charged on the Civil List, such a sum being equivalent to the annual average of pensions now dropping in: and as my Honourable Friend does not propose to affirm the general principle, I cannot see the utility of his proposition.

Mr. WARBURTON. — I think that great injustice has been done to my Honourable Friend the Member for the city of London, because the whole subject has been argued as if there existed no other fund but the one in question, out of which the Crown may grant pensions. I beg to remind the House, that there do exist other such funds. First of all, there is the privy purse, amounting to 60,000*l.* a-year, and a yearly provision of 8000*l.* of unappropriated monies. Now, my conviction is, that the avowed object of the grant of this Pension List of 12000*l.* a-year, namely, that it is destined for the assistance of literary and scientific men, is a bad one, because it will interfere with the independence of the literary and scientific character. I object to this clause in the Bill on political grounds. In the first place, the proposed pensions will not be liable to the same imputations as those of the old Pension List. When pensions were granted to members of great families, those parties were already so corrupt, that it may fairly be said that they could not be further corrupted. It was not thought an honour, but the very reverse, to have one's name on the Pension List. Consequently, literary and scientific men were deterred from receiving pensions, because the acceptance of them was looked upon as a disgrace. I shall certainly oppose the clause, as I think it a good thing for literary men to rely for emolument on their own exertions.

Several HONOURABLE MEMBERS. — Divide, divide!

Mr. GROTE. — Before the House proceeds to a division, I beg its indulgence whilst I explain one or two points which seem to be misapprehended by Honourable Members. My Honourable Friend the Member for Lambeth seems to think that my motion is nothing more than a transfer of the payment of the 1200*l.* a-year from the Civil List to the Consolidated Fund; but it is not so. All I move for is, that the power of granting pensions to this amount, annually, shall be struck out of the Civil List Bill; and if any Honourable Member chooses to move that they shall be charged on any other fund, it is perfectly competent for him so to do. I have not stated what my opinion of the abstract question is. I do not even propose to pledge the House on the question, whether the same amount ought to be granted, or not. All I do is, to expunge it from the present Bill. The Right Honourable Baronet the Member for Oxford University has stated, that, from the tenour of my arguments, he gathers that I am hostile to the grant of all honours by the Crown. I have no objection to any inference to which Honourable Gentleman may think that my arguments may lead; I will not pronounce any opinion upon this distinct question, which is not before the House; but the only point which I wish Honourable Members to affirm or reject is, whether the House ought, or ought not, to create a public fund, by the taxation of the people, to be at the disposal of the Crown, or as a means of patronage in the hands of the Government of the day. This is the proposition which I am anxious that Honourable Gentlemen should decide in the affirmative or the negative; and I have only to observe, again, that the propriety of the grant of honours by the Crown forms no part of the question.

The House then divided: —

Ayes . . .	23
Noes . . .	125
Majority . .	102

SIR R. PEEL. — It was argued in the committee, that the pensions should be regulated by a fixed annual sum, and not by a varying amount up to 75,000*l.*; and a resolution was moved to that effect. I adhere to the principles which were laid down by Lord Althorp in the year 1830, and have given my vote accordingly. And, having stated this, I will limit myself to one more point, and that is, that it is proposed to enable the Crown to grant an annual sum of 1200*l.* I propose that 1200*l.* shall be the maximum for one year on the average, and if that amount be not granted in any one year, then that the difference may be made up in any subsequent year, so, nevertheless, that the whole average shall not exceed 1200*l.* per annum. I may, perhaps, make my meaning more clear, by supposing that the amount of pensions granted in one year is only 800*l.*, which would be less by 400*l.* than the amount allowed by the Bill. I would, in such a case carry that sum over to the next year, to the advantage of the Crown, and empower it to grant pensions in the following year to the amount of 1600*l.* The intentions of the House would not be defeated by such an arrangement, because, upon an average of years, the annual sum granted would not exceed 1200*l.*

The CHANCELLOR of the EXCHEQUER. — I merely rise to say that I have no objection to effect the purpose intended by the Honourable Baronet, by altering the provisions of the Bill; because, in any event, a saving would accrue to the country.

SIR R. INGLIS. — As the Bill now stands, the pensions are to be "at the rate of 1200*l.* per annum." We have only to render these words more clear.

Mr. HUME. — I hope, Sir, that the Right Honourable Member will not thus give way, and yield to the suggestion of the Right Honourable Baronet; for, if there be no meritorious individuals worthy of receiving, in any year, grants to the amount of 1200*l.*, the public ought to have the benefit of the saving, and the surplus of one year ought not to be carried to the next.

Mr. WAKLEY. — I am surprised to hear my Honourable Friend say that he hopes the Right Honourable Gentleman the Chancellor of the Exchequer will not yield to the amendment proposed. There is no "yielding" in the matter; for the Right Honourable Gentleman is highly delighted with the proposition, and the most perfect harmony exists between the two sides of the House on the question. It seems to me that we are very awkwardly situated on this side of the House. I think we ought to remove to the opposite side; and the Right Honourable Baronet and his party should come here. The real Opposition is reduced to nineteen or twenty Members. If the Right Honourable the Chancellor of the Exchequer wishes the Bill to remain in its present form, why does he give up the present clause? Why, it appears that her Majesty's Government are afraid that the whole 1200*l.* might not be expended in one year, and they are determined that no saving shall thereby occur to the public. Is it not preposterous that 1200*l.* per annum should be added to the enormous income of the Crown? The real question is, — whether 1200*l.* shall be added every year to the already enormous grant of 385,000*l.* for the Civil List, for the purpose of bribing the literary and scientific men in the country, nominally by the Crown? But it is absurd to say that the Crown will have anything to do with the matter; the whole will be in the hands of the Minister of the day, to grant to whomsoever he chooses. The Right Honourable Baronet (Sir Robert Peel) seems to enjoy the situation in which Ministers are placed, by doing the work of his party. The Right Honourable Baronet expects, in a short period, to have the distribution of the money, and, of course, will not oppose the extravagance of Ministers, even when they go beyond what he would have ventured to suggest. But the evil is, that the present Ministers have the confidence of a portion of the people; and the consequence is, that they allow the Whigs to do that which they will not allow the Tories to do. By the junction which takes place with Honourable Members on the opposite side of the House and those who sit behind the Ministerial benches, the Radicals are left in minorities of twenty or twenty-two. I do think that there ought to be some change of seats: and I trust that, during the recess, the Right Honourable Gentleman in the chair will cause some cross-benches to be erected; for those Honourable Members who sit behind the Ministers are, in my opinion, wofully out of place.

Mr. G. F. YOUNG.—Without imputing to those who will have the control of this fund any improper motive, I think they will, at all times, find persons to receive the money against whom no objection can be made. If the Crown is not permitted to exercise its discretion in granting any surplus that may arise in preceding years, there is no doubt but that the whole 1200*l.* will be granted every year. I think, then, I am best consulting the interests of public economy by supporting the motion for striking out this proviso.

LORD J. RUSSELL.—Although this is a point, perhaps, of no very great importance, it does appear to me that, if we omit this proviso, we shall not confer any benefit on the public. With regard to what has fallen from the Honourable Member for Finsbury (Mr. Wakley), I feel it to be the highest compliment that could be paid to the Government. That Honourable Member has said, that, objectionable and ridiculous as the propositions of the Ministers may be in the estimation of some Honourable Members of this House, yet still they meet with the confidence and support of the country. I think it would ill become that sense of modesty which a member of the Government ought to possess, if I were to take this very high compliment, which the Honourable Member has thus paid us, without any acknowledgment.

Mr. LEADER. — If we are to grant 1200*l*. every year, we shall save nothing either way; but if we keep the proviso as it is, no doubt the money will be granted to deserving persons only. It appeared to me, that the remark of the Honourable Member for Finsbury was not so high a compliment as the Noble Lord seemed willing to suppose. I understood the Honourable Member for Finsbury to allude to the Irish people when he said that the Government had the confidence of a portion — and the Honourable Gentleman said but a portion — of the people. There can be no doubt that the present Ministry have governed Ireland rather better than the rest of the empire, and the people of that country have some reason for supporting them. Now, I must say, that if the two great parties in this House had been differently placed, — if the Gentlemen on the other side had been on the Treasury benches, and if the Gentlemen on the Treasury benches had been on the Opposition, we should not have had to complain, as we now have, of this measure being pressed forward so indecently, and with so little desire to give sufficient time for its consideration. And, above all, I am inclined to think, that if the Right Honourable Baronet the Member for Tamworth had been on this side of the House, and the present Ministers in opposition, the Noble Lord the Secretary for the Home Department would have been heard declaiming in eloquent terms against the extravagance of the proposed Civil List; and instead of going out to divide only nineteen or twenty, as we have done, the Radicals might have gone out, by the aid of the Noble Lord, 120 strong.

Mr. T. DUNCOMBE. — I am quite aware that it would be no difficult task to find persons on whom to bestow any surplus that may be left from preceding years in addition to the 1200*l*.; but the question is, would the Government bestow it only on deserving persons? My opinion is, that they would not. I think the Government would, in one year, curtail the grants to deserving persons, in order to grant largely in the following year to their favourites, and all sorts of jobbing and corruption would result. I have hitherto voted with the majority in favour of the Bill, in the hope that her Majesty's Government would stand by its integrity. But it now appears that they are disposed to acquiesce in a proposition proceeding from the Tory side of the House. I hope, however, that the House will stand by the integrity of the Bill, and thereby rescue the Government from the effects of their own vacillating conduct. It has been said by an Honourable Gentleman opposite, that her Majesty's Ministers have not given satisfaction to the Radical portion of the House, and, at the same time, have alienated the affections of the Honourable Members on the Opposition benches. Now, I must say that, till the Honourable Gentleman made that observation, I was not aware that her Majesty's present Ministers had ever possessed the affections of the Tory side of the House.

Mr. BROTHERTON. — I gave my last vote on a principle of economy; but, being disposed to place some confidence in Ministers, and not supposing that, for the mere purpose of exhausting the 1200*l*., they would grant it to persons not entitled to it, I hope the provision will be retained in its present shape.

Mr. ELLIS. — I do not think her Majesty's Ministers have been well used by Honourable Members on their own side of the House. I am not inclined to impute to the Government any improper motives in granting these pensions; and, considering the Right Honourable Baronet's proposition to be founded in justice, I shall give it my support.

Mr. HAWES. — The proviso, as it now stands, limits the sum placed at the disposal of the Crown for the purpose of granting pensions to 1200*l*. in any one year. My opinion is, that this limit is most proper, and I am sorry to see a disposition on the part of the Government to abandon it. I think that a due regard for economy in the public expenditure calls upon the House to negative the amendment of the Right Honourable Baronet; and I shall certainly give my vote in favour of the proviso in the Bill.

Mr. HUME. — I wish to ask the Right Honourable Member for Tamworth whether the House is not bound to adhere to the resolutions of the committee on which the Bill was founded? Now, one of those resolutions declared that a provision should be made, enabling her Majesty to grant a sum "not exceeding in any one year 1200*l*." Ought not that to be conclusive? Why was the present motion not made in the committee? Why was it reserved for the third reading of the Bill? Her Majesty's Ministers ought not to yield to the Right Honourable Baronet's proposition, but should do justice to their own purpose. I shall certainly take the sense of the House on the question.

The House then divided: —

Ayes . . .	26
Noes . . .	114
Majority . .	88

SIR R. PEEL.—I have another amendment to propose, namely, in paragraph 14. line 4., to leave out from the end of line 4. to the end of the clause, "That a list of pensions granted be laid upon the table of this House."

Several Honourable Members. — "Divide, divide!"

SIR R. PEEL. — As my proposal is objected to, I will not take up the time of the House by pressing it to a division. I, for one, am perfectly satisfied with the division which has just taken place.

The question, "That the words proposed to be left out stand part of the question," was then put, and agreed to.

Mr. CHALMERS. — I rise, pursuant to the notice which I have given, to move the omission of that proviso in the Bill which directs that a sum of 10,000*l*. per annum shall be granted out of the Consolidated Fund for home secret services. The Select Committee recommended that the item of secret service money should be withdrawn from the Civil List Bill as a charge upon the Consolidated Fund, and that the amount required should be charged upon the hereditary revenues of Ireland. I think I have a right to expect the acquiescence of the House in my amendment; at all events I may fairly calculate upon the support of those Honourable Gentlemen who were members of that committee. My amendment is in paragraph 24. line 3., to leave out from the words "such payments" to the word "and," in line 27. (ten thousand pounds charged on Consolidated Fund for home secret services).

Question put, "That the words proposed to be left out stand part of the Bill."

The CHANCELLOR of the EXCHEQUER. — My Honourable Friend, who has proposed this amendment, has made allusion to the Report of a select committee of which I was a member, and in which I fully concur. That Report recommended that a particular grant should be transferred from the Civil List and voted in committee of supply. That recommendation has been acted upon. The item referred to by that Report has nothing to do with this vote of 10,000*l*. which included in this Bill. The committee recommended that a particular grant should not be comprised in the Civil List Bill, — and it is not so. The clause is framed in strict accordance with the Report. I may be allowed to call the attention of the House to the very great reductions which have been made by the Government in this item of the public expenditure. When we first came into office the annual charge for secret service was no less than 45,000*l*. We reduced it in the first year to 41,000*l*., then to 39,000*l*., then to 37,000*l*., and in the last year to 35,000*l*.

Mr. HUME. — I think the Right Honourable Gentleman is bound to tell us what is the distinction between the sum of 10,000*l*. granted in this Bill and the 35,000*l*. voted, in committee of supply, for the same purposes. In my opinion, there ought to be no distinction. I allow that reductions have taken place in the grants for home secret service since the present Ministers have been in office; but I am sorry that the reduction has not been greater.

The CHANCELLOR of the EXCHEQUER. — The distinction is one that has uniformly been maintained, that while it is proper to come to Parliament to grant a general sum for secret services, it is right that Government should have at their disposal a fixed amount for these purposes, uncontrolled by a parliamentary vote. It must be quite obvious that the amount of 10,000*l.* is inadequate to the demands on the home secret service money; and while I show the reductions that we have effected in this branch of the public expenditure, and thus give the best proof of our desire to economise, I consider that it is highly necessary that a fixed sum should be provided for this purpose in the present Bill; accordingly this provision has been inserted. But we shall still have to come to the House to make up the deficiency by a vote in committee of supply; and thus, as I before stated, we are strictly following out the recommendation of the select committee, and, as I think, consulting at the same time the convenience of the House.

Several HONOURABLE MEMBERS. — Divide, divide!

The House then divided: —

Ayes . . .	100
Noes . . .	25
Majority . .	75

Upon the question, that this Bill do now pass, being put from the chair, —

Mr. G. F. YOUNG said: — I rise to move that this Bill do not pass. The proposed Civil List considerably exceeds that of former provisions for the support of the dignity and comfort of the Crown, and as no security is given for an efficient inquiry into the revenues arising from the duchy of Cornwall and the duchy of Lancaster, with a view to a just and equitable appropriation of them, and also as the Select Committee on the Civil List have stated in their Report that they had not the power of sending for papers or examining witnesses, the information they have received must necessarily be limited. I think the House has not sufficient evidence to justify it in giving a final sanction to such a measure.

The SPEAKER. — I do not see how I can put the question.

Mr. HUME.—I apprehend, Sir, that the only motion that the Honourable Member for Tynemouth can make at this stage of the proceeding is, that the passing of the Bill be postponed to some future day. But, after the discussion that has taken place, and the House having agreed to all its provisions, I would submit to the Honourable Member that any further postponement would be unnecessary.

Mr. G. F. YOUNG.—I am fully aware that it would be perfectly useless to divide against the passing of the Bill, and it is not my intention to do so; but as I wish to place my opinion upon record, I will move, as an amendment, to leave out from the word "That" to the end of the question, in order to add the words "the further proceedings upon this Bill be adjourned till Monday, the 5th of February next."

Upon the question being put, —

LORD J. RUSSELL said: — I should wish to understand, before the Honourable Gentleman's amendment is withdrawn, whether any other motion of a similar kind is to be made?

Mr. G. F. YOUNG. — As I am not in communication with any other Honourable Gentleman upon the subject, I cannot answer the Noble Lord's question.

Mr. HUME. — As the House has now confirmed all the details of this Bill, the only question is, whether it shall pass at once, or be adjourned to a future period? I have offered no small opposition to several items in the Bill, during its progress through the House; but I do not see any advantage that would be gained by my opposing it now; at the same time, I feel it to be my duty to call on the House to consider what they are about to pass, —a Civil List that is likely to saddle the country with enormous expenses for many years to come. If my amendment had been carried, we should have kept the Civil List within what the Bill now makes it by 12,000*l.* As it now stands, the Civil List for 1837 and 1838 will exceed that of former years by 62,000*l.* The Civil List of William IV. amounted to 510,000*l.*, including pensions, secret service, and all such matters. The support of the members of the Royal Family amounted, in addition, to 206,000*l.*, making on the whole 716,000*l.* But we are now called upon to grant for the Civil List 385,000*l.* Then there is the 8000*l.* additional to the Duchess of Kent, the 75,000*l.* allowed for pensions on the Civil List, and other items, making the aggregate amount 778,000*l.* Here we have a difference of 62,000*l.* as between the amount required last year and this year. Now I must say, that, considering the great distress that the country is labouring under, and the many complaints which we hear from all parts of it of over-taxation, for a reformed Parliament to sanction such proceedings, is to me a matter of equal regret and astonishment. I say, also, that her Majesty's Ministers have not supported their character as a liberal and economising Administration in proposing such a Civil List as the one embraced in this Bill. The Government ought to have considered the additional sum becoming payable to the Queen Dowager. I may be told, that in objecting to this extravagant waste of the public money, I am not the friend of monarchy. But I say, that it is the man who creates profusion who is the greatest enemy to royalty. History shows how dangerous extravagance has been to monarchy. It was the profligacy and extravagance of the royal family of France that led to the dethronement and destruction of a king of that country. I have in my hand a curious document stating the whole expenses of the American Government.

[Laughter, and cries of "Hear!"]

I know that it is not a pleasing comparison to allude to the simple forms of a republican government, especially to those who wish the expenditure of a monarchy to be unlimited. People are, however, imperceptibly led to compare figures and to look at results; and the impressions thus created are, I think, likely to be highly injurious to monarchical government when carried on with extravagance. I find, here, that the expense of the whole of the American Government is not more than 33,600*l*. a-year, including the amount of salaries and other expenses required for maintaining the establishments of two Secretaries of State, Lords of the Treasury, and the Chancellor of the Exchequer; whereas almost 800,000*l*. a-year is expended for the maintenance of the Monarchical Government of England. We find no less a sum than 35,000*l*. voted in this country for secret service money alone, in addition to this enormous Civil List. I say, the same system of shameful extravagance is carried out in all the various departments. Look, for instance, at the establishment of the Master of the Horse, the expense of maintaining which is 27,000*l*. a-year, having been raised from 12,000*l*. a-year. 6000*l*. are expended for liveries alone, and 3000*l*. for those of the Lord Chamberlain; and I do not know how much for the department of the Lord Steward. The establishment of the Master of the Horse includes 120 servants, the liveries of each of whom cost the country 50*l*. a-year. This wasteful profusion cannot add to the comfort of the Sovereign, nor is it any addition to the dignity of her high station. It is consistent with the gaudy grandeur of the French court, not with the humble but truly dignified state of George the Third. The country has much reason to regret the bad example which was set by the immediate successor of that Monarch. The extravagance of the court of George the Fourth has ruined the country. I am sorry to see the present Ministers following in the footsteps of the Government of that day. It rested with them to advise her Majesty, and they ought to have submitted to the Queen the propriety of dispensing with all unnecessary finery; they ought to have told her that it is not gold lace that procures respect. It is a great mistake to fancy that the people of England are taken by all these expensive shows — these cocked hats and gold liveries. The conduct of the Ministers has been most impolitic and unfriendly towards a young Sovereign, in making her reign to commence with extravagance, instead of advising her to adopt a system of economy calculated to secure the respect of the people. Such extravagant expenses lead to comparisons. What would be the result if this money which we are called on to vote, not for the comfort of the Crown, but to be expended in profligate show, were divided among the poor? The amounts granted to the Lord Chamberlain, the Lord Steward, and the Master of the Horse would maintain 25,000 persons for a whole year, according to the rate at which many persons are paid for their labour in this country. And the money granted for lords and ladies in waiting would maintain 14,600 families at 8*s*. per head per week. Why should the country be called on to pay so much money for the support of ladies of the bedchamber, and grooms, and "beef-eaters," with cocked hats and fine gold liveries?

[Cries of "Hear, hear!" and laughter.]

It may be a laughing matter to those who have abundance; but when the pinching hour comes, a comparison will be made, and it will be asked, "Why is our sugar taxed, and why are all these other heavy taxes levied upon us, but to keep up this pageantry?

[Cries of "Oh, oh!" and laughter.]

I know that the great majority of the House differs from me on these subjects. I am sorry for it. I will not now offer any vexatious delay to the progress of this Bill. I may be wrong. But that will be seen. The day of discontent may come, when the people will say, "Everything we eat and drink is taxed, and for what? To support a Government which gives us bad laws, and to keep up individuals from whom we have no commensurate return." I will conclude by repeating my protest against such a system of profligacy.

The CHANCELLOR of the EXCHEQUER. — I have no wish to prolong this debate; but one or two observations which the Honourable Member for Kilkenny has made, I think call for some reply from me. The Honourable Gentleman has charged the Government with extravagance; — and on what ground? His argument just amounts to this — that because too much was granted at one period, therefore, too little ought to be allowed at another. With respect to keeping up the royal establishments, the people are more immediately interested in them than the Government. For, if not the people, who are the parties benefited by the keeping up of St. James's Park, the Regent's Park, and Kensington Gardens? I should like to know whether the inhabitants of this metropolis would like to be shut out from these places of favourite resort, because of the expense of maintaining them? We are asked to establish public walks throughout the country, and yet the Honourable Member for Kilkenny, who supports that proposition, turns round upon the Government, and complains of the expense incurred in maintaining those to which I have alluded. The Honourable Member has also brought forward, as a contrast, his favourite system of government, namely, that of the United States. The Honourable Gentleman has spoken largely of profuseness in the various departments in ours; but the Honourable Member might, I think, have recalled to his memory former times, when much greater expenses were incurred, and when not only the official but the private residences of the Ministers were charged to the country. Then, with respect to the official liveries worn by her Majesty's Ministers, the Honourable Member might have known that the official costume of the American Minister at this court is so nearly the same, that Mr. Stevenson might be shuffled in amongst her Majesty's attendants without having the error discovered, merely by his costume. I can understand the Honourable Member, when he says, "Look at the comparatively small expense of maintaining the American Government," — for he then puts the question on an intelligible ground; — but I, on constitutional grounds, must protest against the Honourable Member's argument, as at all applying to the government of this country. I would, however, say to the Honourable Gentleman, that if I were called upon to form a new government in a new country, my object would not be so much to form a cheap government, as the one that would be most useful and beneficial to the governed. But be the advantages of economy never so much pressed by the Honourable Gentleman, I feel that I owe allegiance to my Sovereign, and that my feelings and principles and hopes are identified with monarchy; and therefore I will never lend any support to that which, in my opinion, would tend to subvert that part of the British Constitution.

Mr. HUME. — The Right Honourable Gentleman has misunderstood me. I did not complain of the expenses incurred in keeping up the parks; they were not included in my account, and I said not one word about them. But I do not think that the Right Honourable Gentleman has answered one of my objections to the grant of 778,000*l*.

Mr. WAKLEY. — For one, I feel it my duty to state, that I consider, whatever faults may be attributed to the Ministers, on the score of extravagance, greater blame is due to the House for suffering that extravagance to pass. The Government are not so much to be condemned as those Honourable Gentlemen who profess to represent the feelings of the people; indeed, my only astonishment is, that a still larger Civil List was not proposed, seeing the temptation that was held out to the Government; for when the Honourable Member for Kilkenny proposed a reduction of 50,000*l*., we found only 19 Members, out of 200 who were in the House, voted for that reasonable proposition.

Mr. G. F. YOUNG. — As I am fully aware that no advantage can be gained to the constituency by pressing my amendment, I trust I shall be permitted to withdraw it.

The amendment was then, by leave, withdrawn.

SIR A. DALRYMPLE. — I wish to

ask a question, — whether the arrears of pensions now due are to be paid, or are they to be submitted to the consideration of the Pension List Committee?

LORD J. RUSSELL. — It is intended that the committee shall inquire into all matters connected with the Pension List.

The Bill was then passed.

ELECTION PETITIONS.

Ipswich Election. — Mr. Speaker acquainted the House, that John Bennett and John Chaplin, who petitioned this House upon the 4th day of December instant, complaining of an undue election and return for the borough of Ipswich, had not entered into a recognisance in respect of such petition, according to the directions of an Act made in the ninth year of the reign of his late Majesty King George the Fourth, intituled, "An Act to consolidate and amend the Laws relating to the Trial of Controverted Elections, or Returns of Members to serve in Parliament." — Order for considering petition on Tuesday, the 6th day of February next, read, and discharged.

Youghal Election. — Mr. Speaker also acquainted the House, that William Nicol, Esquire, who petitioned this House upon the 4th day of December instant, complaining of an undue election and return for the borough of Youghal, had not entered into a recognisance in respect of such petition, according to the directions of the said Act.—Order for considering petition on Thursday, the 22d day of February next, read, and discharged.

Tralee Borough Election.—Mr. Speaker also acquainted the House, that Richard Leyne, Esquire, who petitioned this House upon the 4th day of December instant, complaining of an undue election and return for the borough of Tralee, had not entered into a recognisance in respect of such petition, according to the directions of the said Act. — Order for considering petition on Tuesday, the 6th day of March next, read, and discharged.

Dublin City Election. — Mr. Speaker also acquainted the House, that Edward Cottingham, and the other electors, who petitioned this House upon the 4th day of December instant, complaining of an undue election and return for the city of Dublin, had not entered into a recognisance in respect of such petition, according to the directions of the said Act. — Order for considering petition on Tuesday, the 13th day of March next, read, and discharged.

Kerry County Election. — Mr. Speaker also acquainted the House, that Frederick William Mullins, Esquire, who petitioned this House upon the 4th of December instant, complaining of an undue election and return for the county of Kerry, had not entered into a recognisance in respect of such petition, according to the directions of the said Act. — Order for considering petition on Tuesday, the 20th day of March next, read, and discharged.

Kerry County Election. — Mr. Speaker also acquainted the House, that Patrick Cahill and John Tuomy, electors, who petitioned this House upon the 4th day of December instant, complaining of an undue election and return for the county of Kerry, had not entered into a recognisance in respect of such petition, according to the directions of the said Act. — Order for considering petition on Tuesday, the 20th day of March next, read, and discharged.

Newry Election. — Mr. Speaker also acquainted the House, that Denis Caulfield Brady, Esquire, who petitioned this House upon the 4th day of December instant, complaining of an undue election and return for the borough of Newry, had not entered into a recognisance in respect of such petition, according to the directions of the said Act. — Order for considering petition on Tuesday, the 20th day of March next, read, and discharged.

Newry Borough Election.—Mr. Speaker also acquainted the House, that Patrick M'Parlan, and Patrick Christopher Byrne, electors, who petitioned this House upon the 4th day of December, instant, complaining of an undue election and return for the borough of Newry, had not entered into a recognisance in respect of such petition, according to the directions of the said Act. — Order for considering petition on Tuesday, the 20th day of March next, read, and discharged.

Wicklow Election. — Mr. Speaker also acquainted the House, that John Evans, and the other electors, who petitioned this House upon the 4th day of December instant, complaining of an undue election and return for the county of Wicklow, had not entered into a recognisance in respect of such petition, according to the directions of the said Act. — Order for considering petition on Thursday, the

5th day of April next, read, and discharged.

Downpatrick Election. — Mr. Speaker also acquainted the House that James Christie Whyte, Esquire, who petitioned this House upon the 4th day of December instant, complaining of an undue election and return for the borough of Downpatrick, had not entered into a recognisance in respect of such petition, according to the directions of the said Act. — Order for considering petition on Tuesday, the 24th day of April next, read, and discharged

Oxford County Election. — Mr. Speaker also acquainted the House, that Richard Maley, and other electors, who petitioned this House upon the 4th day of December instant, complaining of an undue election and return for the county of Oxford, had not entered into a recognisance in respect of such petition, according to the directions of the said Act. — Order for considering petition on Tuesday, the 1st day of May next, read, and discharged.

Woodstock Election. — Mr. Speaker also acquainted the House that Lord Charles Spencer Churchill, who petitioned this House upon the 4th day of December instant, complaining of an undue election and return for the borough of Woodstock, had not entered into a recognisance in respect of such petition, according to the directions of the said Act. — Order for considering petition on Tuesday, the 1st day of May next, read, and discharged.

Beverley Election. — Mr. Speaker also acquainted the House that George Rennie, Esquire, who petitioned this House upon the 4th day of December instant, complaining of an undue election and return for the borough of Beverley, had not entered into a recognisance in respect of such petition, according to the directions of the said Act. — Order for considering petition on Tuesday, the 8th day of May next, read, and discharged.

Frome Borough Election.—Mr. Speaker also acquainted the House, that Richard Nuth, and the other electors, who petitioned this House upon the 4th day of December instant, complaining of an undue election and return for the borough of Frome, had not entered into a recognisance in respect of such petition, according to the directions of the said Act. — Order for considering petition on Tuesday, the 15th day of May next, read, and discharged.

Preston Election. — Mr. Speaker also acquainted the House, that Daniel Clinton and James Murphy, who petitioned this House upon the 4th day of December instant, complaining of an undue election and return for the borough of Preston, had not entered into a recognisance in respect of such petition, according to the directions of the said Act. — Order for considering petition on Thursday, the 17th day of May next, read, and discharged.

Sligo County Election. — Mr. Speaker also acquainted the House, that Daniel Jones, Esquire, junior, who petitioned this House upon the 4th day of December instant, complaining of an undue election and return for the county of Sligo, had not entered into a recognisance in respect of such petition, according to the directions of the said Act.

Sligo County Election. — Mr. Speaker also acquainted the House, that John Gallaher, and the other electors, who petitioned this House upon the 4th day of December instant, complaining of an undue election and return for the county of Sligo, had not entered into a recognisance in respect of such petition, according to the directions of the said Act.

Portarlington Election. — Mr. Speaker also acquainted the House, that Joseph Lawler and Patt Gorman, who petitioned this House upon the 4th day of December instant, complaining of an undue election and return for the borough of Portarlington, had not entered into a recognisance in respect of such petition, according to the directions of the said Act.

Limerick County Election.—Mr. Speaker also acquainted the House, that the Honourable George Eyre Massey, and the other electors, who petitioned this House upon the 4th day of December instant, complaining of an undue election and return for the county of Limerick, had not entered into a recognisance in respect of such petition, according to the directions of the said Act.

Upon the question being proposed, that this order be discharged, —

MR. FRESHFIELD said: — I rise to state why I think this order should not be discharged. I hold in my hand a petition from the agent in this case. He states, that on the 25th of November the affidavit was sworn, and the petition handed in to the Hanaper Office; that on the 2d of December it was presented to the House; but on the petitioner presenting himself, yesterday, to the examiner, he was told that as the affidavit had been sworn before the petition was presented, the proceedings were irregular. Now, that the House can give the relief sought for in this case, I will show by a precedent which is to be found in an entry in the Journals of the House of the 10th of February, 1807, and which refers to the Penryn election. It appears that on the 16th of January, in that year, the sureties to that petition entered into their recognisances, and swore to the affidavit seventeen days before the petition was presented, and the House in that case granted its indulgence to the parties. Now the two cases are precisely in point; the only difference being, that in the Penryn petition the affidavit was sworn seventeen days, while in the Limerick case it was sworn but eight days previous to the petition being presented. Here, then, is no objection to the sufficiency of the sureties, no intention of deceiving any party. I know that the House must discharge the Order for taking the petition into consideration, unless sufficient reason be assigned to induce them to take a different course. But, under the circumstances, I have no doubt that the House will allow the petitioner time to complete his recognisance. I have used the utmost industry to find the sitting Member, or some of his connections; but I have been unsuccessful. My present object is that the petition should be printed with the Votes, and taken into consideration to-morrow.

LORD J. RUSSELL. — I do not rise to make any objection to the course proposed by the Honourable Member, but merely for the purpose of proposing that, as the House has now been sitting since twelve o'clock, a short adjournment should take place. I would propose that any discussion which might arise upon this petition should be deferred, and that the House do now adjourn till eight o'clock.

Mr. C. BULLER. — I would suggest, before the House adjourns, that it would be more convenient to postpone the discussion upon this, as well as upon the other election petitions which stand upon the paper for to-day, till to-morrow.

COLONEL PERCEVAL. — I cannot but impute some degree of unfairness to her Majesty's Government in postponing those election petitions which are against themselves, to a time at which, in all probability, they will be discussed amidst empty benches. It is well known that many Honourable Members have already left town, and that others are upon the point of doing so. The Government, we know, can at all times make a House, and it is their duty to insure a sufficient attendance while there is any business before it. I must repeat that this attempt to delay these petitions from to-day is most unfair.

Mr. CHARLES WOOD. — I would put it to the Honourable and Gallant Member whether it is just to impute to her Majesty's Government an unfair attempt to delay the consideration of this petition, when the request for delay comes from his own side of the House?

COLONEL PERCEVAL. — I was not aware that the proposition proceeded from this side of the House. The case of Limerick, indeed, is mooted, now, for the first time; but there was a case which occupied a considerable portion of last night, and in which the Government decided directly contrary to the law on the subject; and I challenge the opinion of the law officers of the Crown whether it was not so.

The SPEAKER. — I would suggest to the Honourable and Gallant Member that it is not competent for him to advert to a question which is not now before the House.

The petition of Edward Hallows Plumptre, praying for further time for completing the recognisances, so far as that fresh affidavits may be obtained from Edward Hodges Goggin and Edward Donnelly, was then brought up, and ordered to lie on the Table, and to be printed.

PRESTON ELECTION PETITION.

Mr. TOWNLEY PARKER. — The petition of Preston having been discharged in my favour, I hope I may be permitted to say one word on the subject.

The SPEAKER. — There is now no question before the House.

Mr. TOWNLEY PARKER. — I wish merely to observe, that I was prepared with evidence, both personal and upon affidavits, to show that the petitioners' sureties were not eligible; for that the petitioners, who are required to enter into their recognisances in the amount of 1000*l.* were in this case mere paupers. This I was prepared to urge and prove before the examiners; but it appears to me that no attention is paid by them to the question of the 1000*l.* security.

The SPEAKER. — The Honourable Gentleman will permit me to call his attention to the fact, that by the Act of Parliament the examiners have nothing to do with the sufficiency of the petitioner.

Mr. T. PARKER. — In that case, the provision in the Act of Parliament relating to the sureties has no business there. I, myself, have been necessarily put to a considerable expense to oppose this petition; and as the recognisances have not been perfected, I should be glad to know from the Honourable and Learned Member for Liskeard, whom I regard as the Solicitor General in these matters, or from any other Honourable Member, how I am to be reimbursed?

DUDLEY ELECTION PETITION.

The SPEAKER. — It may, perhaps, be convenient that I should now call the attention of the House to those cases of election petitions upon which questions have arisen. The first case is that of the borough of Dudley. Last night, the House extended the time for the petitioner to renew the recognisances of his sureties: to that extent, I conceive the resolution of the House to have been limited; but it appears that the petitioner, who was not included in that resolution, has omitted to complete his own recognisance in time; and I understand that, to-night, a petition is to be presented on behalf of the petitioner, praying that the benefit of the decision of last night may be extended to himself. I feel bound to state my own impression that the resolution of last night does not apply to the petitioner. It is, however, for the House to deal with the matter as it shall think fit.

Mr. PRYME. — I will now ask leave to present a petition from William Meryweather, Esquire. The petitioner states that the House, yesterday, granted leave to enlarge the time for the sureties to enter into recognisances; and that the petitioner at the time believed that the indulgence was also granted to him, and accordingly did not enter into his recognisances yesterday, which was the last day open for doing so. He prays that the indulgence of the House may also be extended to him, and that further time may be allowed. I would suggest the propriety of allowing the petitioner the extension of one day to enable him to complete his personal recognisance.

SIR HENRY HARDINGE. — It appears to me that the petitioner, Mr. Meryweather, has been most lax in all his proceedings. First, he was informal in putting in the name of his brother as one of his sureties, and now he has been guilty of a *laches*, in not putting in securities for himself. I must say that this is not a case which the House ought, for one moment, to tolerate. From countenancing these repeated demands for enlarging the time within which parties are required to comply with the rules of the House, a most serious inconvenience must inevitably arise. I am satisfied the House will not do its duty if it do not crush, or at least discountenance, in this instance, an attempt on the part of the petitioner to avoid the strict provisions of the law.

The SOLICITOR GENERAL. — I think the Right Honourable and Gallant Officer has made use of a most appropriate word—"crush,"—for anything more like crushing I never heard of than this. The House were satisfied, last night, that an error had been committed, and they accordingly enlarged the time for entering their recognisances, in order to enable the parties to correct that error. The language of the resolution of last night was, in general terms, that the time for putting in the recognisances should be enlarged; the inference from those words was, that the time for effecting all the proceedings connected with the petition should be enlarged. Can a fairer case be imagined than this? There is no question raised as to the petitioner's sufficiency; and he is here, ready to state, at the bar, that he understood the resolution of the House to apply to himself as well as the sureties.

SIR H. HARDINGE. — No question was raised about the petitioner, at all.

The SOLICITOR GENERAL. — The resolution in the Pontefract case extended the indulgence to all the parties; and the natural inference was, that it did so in this case.

The SPEAKER. — On reference to the votes of the House, it will be seen that in the Pontefract case, to which the

Honourable and Learned Member has referred, the original proposition for an extension of time was not confined to the sureties only, but embraced all parties. The petitioner in the Pontefract case had that indulgence, but the same indulgence has certainly not been extended to the petitioner in the present case.

The SOLICITOR GENERAL. — If the Right Honourable and Gallant Gentleman opposite had been present when the Dudley case was last under discussion, he would have heard me contend that the same order ought to be made with respect to it as that which the House had pronounced in the Pontefract case; and it was but natural that the petitioner should have conceived the same rule would be applied to both cases. The House must not forget that there is here no attempt at concealment, but an error of form only has been committed. Upon the question of discharging the order for the consideration of this petition, it is certainly competent for the House to make any other order that it may deem fit; and I think this indulgence ought to be granted.

The CHANCELLOR of the EXCHEQUER.—I understood that the House had met at an early hour this morning for the purpose of proceeding with the Civil List; and that the sitting would then be adjourned for a short period for the convenience of the Chair, and of the House generally. I had hoped, therefore, that the House would have consented to the suggestion of my Noble Friend (Lord John Russell), and have adjourned their proceedings till eight o'clock, when the discussion of these petitions might be resumed. This arrangement will be no surprise to any parties, as the election petition questions would then, of course, take precedence.

The SPEAKER. — Having now officially made my communication to the House with regard to these election petitions, it only remains for me to refer to the petitions from the county of Sligo and from the borough of Portarlington. In each of these cases the same objection as to the recognisance not being entered into, in conformity with the Act of Parliament, exists. I think that I should not be doing my duty to the House if I did not state a circumstance which has necessarily come under my knowledge with respect to the Carrickfergus petition. It appears that in the cases of Sligo, Carrickfergus, and Portarlington, the same party was concerned for all the petitioners. That person came to my secretary and produced two recognisances; and on being examined, they were both found to be objectionable in precisely the same respect. My secretary stated to the agent that he conceived the recognisances could not be held to be sufficient, upon which the party appearing drew from his pocket other recognisances, and the whole have been brought under my official cognisance. On examining them I found that the whole of these recognisances had been entered into at the same time, by the same parties, and before the same magistrate, whose signature is extremely remarkable. Now, these circumstances having come to my official knowledge, I felt bound to communicate them to the House, to whom it is open to inquire, through the agent at the bar, into the circumstances attending the transaction, if it shall so think fit.

SIR H. HARDINGE. — Sir, the House must feel deeply indebted to you for the communication which you have just made.

The CHANCELLOR of the EXCHEQUER. — If I were now to move an adjournment till eight o'clock, there might at that hour be a difficulty in making a House. I shall not make that motion, it being understood that, though the Speaker will now vacate the chair, it will be resumed by the Right Honourable Gentleman at the hour I have mentioned.

The House being informed that it was the intention of the respective parties in the cases of Dudley, Sligo county, Limerick county, and Portarlington election petitions, to apply to the House for further time for entering into their recognisances, the consideration of the same was deferred.

BRITISH LEGION.

SIR H. HARDINGE. — Sir, before you leave the chair, there is a question which, upon the grounds of common humanity, I wish to put to the Noble Lord at the head of the Foreign Department. I wish to be informed whether the Noble Lord has heard anything of a statement published in the newspapers as to an order having been signed by the Spanish Minister of War by which the officers and men of the British Legion were compelled to embark for England? There is also published an order, signed by Brigadier-General O'Connell, in command of the

Legion, in which he states, that in consequence of the order of the Spanish authorities, the Legion was disembodied, and must lay down their arms. They have done so; and since then it appears that the Legion are in a state of great suffering and danger. Now, I wish to know from the Noble Lord, whether any and what steps have been taken in order that these unfortunate men may be brought home to their own country?

VISCOUNT PALMERSTON. — I am informed, but not officially, that in consequence of some difference of opinion between General O'Connell, commanding the British troops, and General O'Donnell, commanding the Spanish troops at St. Sabastian, the infantry legion have given up their arms, and are no longer considered as being soldiers in the Spanish service. If that be so, of course they must be brought home; and I can assure the Right Honourable and Gallant Officer that no time, in that case, will be lost in taking steps for bringing the men home to this country.

RUSSIA.

Mr. MACLEAN. — I will take this opportunity of giving notice that shortly after the recess I propose to call the attention of the House to the conduct pursued by the Russian Government in regard to the treaty of London; and also with respect to the commercial relations of this country in the Black Sea and on the Circassian coast.

SLAVE COMPENSATION BILL.

Read a third time, and passed.

House adjourned till eight o'clock.

The House resumed at eight o'clock.

Mr. HUME brought up the Report on the

CONTROVERTED ELECTION FEES COMMITTEE;

and power was given to the said Committee to call for persons, papers, and records.

PONTEFRACT ELECTION.

On the motion of Mr. AGLIONBY, the Order of the Day was read for resuming the adjourned proceedings on the petition of James Coppock (presented the 16th of December), and the same were resumed accordingly.

The examination of the witness was then proceeded with.

By the SPEAKER. — My name is J. Florence. I am a solicitor. I have occasionally acted as a parliamentary agent.

Mr. AGLIONBY. — Will you state to the House what is your position in the case of this petition?

The SPEAKER. — The witness must speak out, and address himself to the Chair.

The Witness.— I think that the history of my giving in the sureties in that case is this: — Mr. Moss called on me at my House, without, however, my having sent for him. I did not send to him, but he sent to and called upon me, and stated that he wished me to allow my name to be used as that of the agent in this case. He said that the reason why he wished me to act as the agent was, that he himself had been a candidate for the borough of Pontefract. I don't think he said that the fact of having been a candidate for the borough disqualified him from acting as an agent in the business of this petition, but he said that he must decline acting as agent from a motive of delicacy. I did comply with his request to act for him as agent, and I accompanied him to the Clerk of the Recognisances where I gave in my name as agent for the petition, and signed my name as such. I do not know whether or not this mode of proceeding was the practice of his office. No other person accompanied me to the office of the Clerk of Recognisances, but Mr. Moss did.

Did Mr. Moss accompany you as an agent? — He went with me.

Did he cause any other person to act as an agent, or did he himself take any steps in that character when he accompanied you? — No; nor did he act in the office as if he were the agent.

Are you aware of any other case in which has Moss acted as a parliamentary agent ostensibly? — I am not.

Examined by

SIR. T. FREMANTLE. — Whom did you understand to be the paymaster in this case? — Mr. Gompertz.

Had you any instructions from that

party to act as agent for him? — No; I had not.

From whom did you receive, then, your instructions? — From Mr. Moss.

Did your instructions from Mr. Moss go to any greater extent in this matter than to act as his agent in this matter? — Certainly not; that was the whole of the part I took in the business when the names of the sureties were put in.

Have you had any authority from Mr. Moss to act as his agent, generally, in matters of parliamentary business? — No; but in one or two instances Mr. Moss had applied to me for advice and assistance.

Have you come to any arrangement with Moss for rendering him assistance in these matters of parliamentary business? — Generally, perhaps, we have; but no particular terms have been settled between us.

Was it, in short, the understanding, that you agreed to act for him in these affairs? — Generally speaking, it may have been so, certainly. I had, in point of fact, been engaged, previously, pretty much in parliamentary business of this nature, for several individuals of the greatest respectability.

By an HONOURABLE MEMBER. — Are you aware, Mr. Florence, what is the nature of that business usually designated by the name "parliamentary business?" — I am; I apprehend that I am very conversant with that business.

Now, do you think yourself the agent in this affair? — I do.

Then, I ask, whether you have considered yourself to be the agent for conducting this petition, or whether Mr. Moss is really the agent for that purpose? — If you ask me for an answer, I shall give it distinctly as matter of opinion. I beg to say, that I was induced to comply with Mr. Moss's request, because I believed him to be a person of respectability. I consider that, having given in my own name as agent for the petitioner, until, by some means or other, that agency is repudiated by my principal, I am still acting as agent in this matter.

But what, if you have no instructions from the petitioner, can you consider him as your principal? — Then I consider that I am employed by Mr. Moss; that I am, in short, acting with him as agent.

Examined by

Mr. R. STEUART. — I gave in the names of the sureties for this petition. I consider that I was employed by, and acting for, Mr. Moss. His authority has not, at any time, been withdrawn.

By an HONOURABLE MEMBER. — To whom do you look for payment? — To Mr. Moss.

On this individual occasion only, or have you ever been employed by him before? — On this occasion, by Mr. Moss.

The witness was then ordered to withdraw.

Mr. AGLIONBY. — Having put one or two questions before in this case, I wish to put one other, advisedly. I do not mean to be so vague and general as I was last night. I put the question, arising distinctly out of some of the previous interrogatories suggested by other Honourable Members. I do not mean that this examination should be carried on without getting at some information as to the actual parties to the prosecution of this petition. The witness says that there are two parties for whom he acts in conjunction with Moss; that is to say, that he is, directly or indirectly, employed, by Moss himself, for Moss and Mr. Gompertz. When the question is put to him, — "Do you look to Moss for payment?" I have a right to put the further question to him, — "On what ground he does so?"

The witness was then recalled.

Mr. AGLIONBY. — Are you sufficiently acquainted with that person to be justified in looking to Mr. Gompertz for payment?

Mr. GODSON. — I object to that question.

The witness, by order, again withdrew.

Mr. GODSON. — I move that that question be again read.

Then the short-hand writer, by direction of Mr. Speaker, read the last question from his notes.

Mr. GODSON. — When my Honourable and Learned Friend put that question to the witness, as to whom he looked for payment, I contend that he had already received a sufficient answer in the statement, that witness looked to Mr. Moss.

Mr. AGLIONBY. — Sir, I must, undoubtedly, insist upon my right to put the last question I suggested, which, in fact, amounts to this: — Why is it that the witness looks to Mr. Moss for payment, instead of Mr. Gompertz?

SIR T. FREMANTLE. — I certainly object to the question. One thing is very certain: if the Honourable and Learned Gentleman the Member for Cockermouth imagines that he has any right to go into these matters, which I really apprehend that no other Member but himself would be disposed to investigate, his object can only be to extract from the witness a certain piece of information, of which I will at once make him a present, namely, that Mr. Gompertz is, at this moment, a prisoner in the rules of the Queen's Bench for 16,000*l.*; and, therefore, he is welcome to the admission that the witness has not quite so good a chance of finding him a competent paymaster as he has of finding one in Mr. Moss.

Mr. GODSON — It may be well to recal the attention of the House to the consideration of what the question is that is now before us. The question which we were debating the other night (I should say at two o'clock in the morning) was, — whether or not there was a fraud or defect in the designation of an individual, who had been vouched as a surety on an election petition, in describing him as of "Regent's Park, gentleman;" and omitting his description of "boot and shoe maker," in "the Strand." Now, that is the real issue which, upon the adjourned debate, we have to try. I say that the long examination of these witnesses, upon which we have been engaged to-night, has been altogether irrelevant to that issue. The simple question, in any case, is — whether the description of Mr. Proctor had, or had not, been fraudulently given in? I submit that the examination which has already occupied so much of our time this evening, is totally beside the point which, as jurymen —as well as judges,—we have to try. As I understand the matter, the decision of Friday night last was to stand good, unless my Honourable and Learned Friend (Mr. Aglionby) should be enabled to prove, to the satisfaction of the House, that fraud was intended in the misdescription in question. In that proof, I cannot help thinking that, notwithstanding the mode in which the evidence of the witness, Moss, was given, he must feel, himself, that he has entirely failed.

An HONOURABLE MEMBER. — I have one question to put. Was Mr. Moss, or Mr. Florence, the real agent in this case: — and for whom?

Mr. AGLIONBY. — That is the question to which I still wait for an answer.

SIR T. FREMANTLE. — That is a question which, after the answers that have been already given, I think we have no power to put. It has nothing to do with the issue (just now so accurately stated) that we have to try.

An HONOURABLE MEMBER. — I have to apôlogise to the House for putting a question that is not a relevant one, if that really be so.

Mr. AGLIONBY. — I will not be induced to accept the terms offered on the other side. The witness Moss was allowed, last night, to withdraw when I had one or two stringent questions to address to him. I desire to put this very question, which has been renewed by my Honourable Friend near me, from the chair.

The SPEAKER. — Let the witness be recalled.

The witness was again placed at the bar, and examined by

Mr. GRIMSDITCH. — It is frequently the practice for one solicitor to act, at common law, for another; and in such cases the agent of the solicitor first employed is considered as the agent of that solicitor's principal.

[Loud cries of "Question, question!"]

Mr. AGLIONBY. — I will not be treated in this way. I will not allow Honourable Members to suppose that I am to be put down in this manner. I will not be placed in the position of a Member examining witnesses for some party purpose. The witnesses are here, on my motion, as an independent Member dealing with a petition praying for leave to amend the description of a party vouched as a surety, in a case that I think surrounded with circumstances of suspicion.

SIR THOMAS FREMANTLE. — I can assure the Honourable and Learned Member for Cockermouth, that I, also, am very anxious to allow this House to take its proper course. The position occupied by Mr. Florence is, as I understand it, the matter which we are now discussing. He says, that he, in point of fact, is the parliamentary agent in this case, and that Mr. Moss is not. Moss, on the other hand, has stated of himself that he is the parliamentary agent. Therefore, it amounts to this — that Mr. Florence charges Moss with saying that which is not the fact.

On the motion of Mr. AGLIONBY, Mr. John Benbow was called in, and appeared at the bar. (Examined by various Members.) He stated that he was nearly eighty years of age, had been formerly a solicitor, and had been actively engaged in that capacity for a very great number of years, but was now occupied in no business or profession whatever.

Do you know Mr. Moss? — With the permission of the House I will now state to it what I know of Mr. Moss, through whom I came to be possessed of any knowledge of this petition. About a month ago, from this time, Mr. Moss called on me, at my house in Mecklenburgh Square, and asked me whether I wished to go into Parliament? I told him, certainly not; but that I had a friend who had recently applied to me to assist him in such an object, — a gentleman who was very highly respectable, and well qualified, and who, indeed, had formerly been a Member of this House. Mr. Moss then proceeded to represent to me the state of parties in the borough of Pontefract, and other circumstances connected with the probable prospects of the electors for that place; and it certainly did appear to me, from what he so stated, that he had a very probable chance of success in a petition against the sitting Member (Mr. Massey Stanley). I should say that that conclusion was founded on papers and documents which he had received from the country. I said to him, I believe, "There does appear to me to be a case — a very strong case, in your favour. But your business is, to go down to Pontefract, and investigate the business on the spot; and when you come back, I shall be very glad to see you on the affair. Perhaps there may be some evidence wanted, and on the spot you will probably be able to obtain it." On the 30th of November, he came to me again, and told me he was going to Pontefract. I replied to him, "that he was doing perfectly right," and he said that he would take down a petition, and endeavour to get it signed by two of the electors. This, I think, was on the 30th of November. The last day for presenting petitions, as I best recollect, was on the Monday following. This interview took place on the Saturday, at night. He told me, on the Tuesday afterwards, that he expected to be asked for sureties, observing that he had presented his petition the day before, namely, Monday. I went to my friend Mr. Beavan, in Sackville Street, and, telling him that I thought I should want some sureties to an election petition, I asked him whether he would consent to be one of them? I would not tell him for what election; — but, to my question, he said, "Yes, he would." "And, perhaps," I added, "you can procure me another?" He replied, "Yes." A few days afterwards, Mr. Moss came to me for the sureties; he said that his principal was Mr. Gompertz. I hesitated for some time; but, at length, he, Mr. Moss, persuaded me to give him the paper with the names of the sureties. I did expect that similar petitions would be presented to the House, and I am much surprised that this has not been the case.

[Loud cries of "Oh, oh!" and "Hear, hear!"]

The SPEAKER.—I am sure the House will feel that any expressions of feeling where it is so important to get at the facts and the truth, would be altogether ill-timed and inexpedient.

The witness examined by—

SIR H. VERNEY. — Witness has been a solicitor for thirty-six years, and was one of the executors of the late Lord Dudley.

By Mr. PRYME. — Witness did live at Stone's Buildings, Lincoln's Inn.

By Mr. AGLIONBY. — Witness does not know Mr. Proctor at all. Witness did not conduct the Canterbury election petition. He was not the agent concerned for it, and, professionally speaking, had nothing to do with it. He had no knowledge of Mr. Proctor. He paid no attention to the description given of Mr. Proctor in the Canterbury petition, and had not seen his name until it was given in as a surety. He does not know, exactly, how Mr. Proctor was described, but thinks it was as of the Regent's Park. How he was designated on the paper handed to him by Mr. Beavan, he has no distinct remembrance, but believes it was Mr. Proctor, gentleman, of No. 9. some street in Regent's Park.

By Mr. JERVIS. — Witness knows,

from Mr. Beavan's own statement, that he, Mr. Beavan, was the agent for the Canterbury petition.

By Mr. T. DUNCOMBE. — Witness was not, directly or indirectly, employed in conducting the Canterbury petition.

By Mr. G. F. YOUNG. — Witness knew of giving in his name together with that of Mr. Proctor. He knew that Mr. Beavan was the agent of the Canterbury petition case. "As to being at all concerned in the Canterbury case, I think I have already said that there are some persons who do me the honour to consult me in particular cases. I may have been consulted, in this way, upon the Canterbury petition, and in this way I may have given an opinion upon it; but that is all I have had to do with the matter. I may have been concerned in one or two communications upon it."

Do you know anything more about it?

The witness was then directed to withdraw.

An HONOURABLE MEMBER. — I object to that question, it has always been held, in this House, that professional communications are sacred and inviolable.

Mr. AGLIONBY.—I waive that question.

The next witness was called in, Mr. John Phillips Beavan, and examined by

Mr. AGLIONBY. —I am a solicitor, residing in Sackville Street, Piccadilly. I was applied to by Mr. Benbow to become one of the sureties on an election petition. When first so applied to by him, he did not tell me upon what election petition. He said, "I would rather not tell you; but if you will become a surety I shall be obliged to you, without, for the present, naming the place. A few days afterwards, I happened to meet him again, near his own house, when he said that the matter about which he had spoken to me would immediately come on. I then agreed to become a surety, and for this purpose I gave to him my own name, together with that of Mr. Proctor. I described Mr. Proctor, to the best of my belief — that is to say, Mr. W. Proctor, of South Bank, Regent's Park, in the county of Middlesex, gentleman.

By Mr. COURTENAY. — I knew he had lived there for at least nine years. He does not carry on any business at his house in South Bank. He lives on his own property. I happen to have been acquainted with him for the last ten years. I knew him when he purchased that residence. It is a private villa, standing in its own grounds.

By an HONOURABLE MEMBER.—I had not Proctor's assent to become a surety, under this petition, when I gave in his name. I knew I had only to put the case to him, upon my own word and responsibility, to get him to give his assent. I had previously given in his name, also, as a surety in the case of the Canterbury petition. I believe I then described Mr. Proctor as a bootmaker, and also of South Bank, Regent's Park. The designation I gave of him in the case now before the House was written on a scrap of paper, in a very great hurry. Whether I had previously written to and communicated with him on the subject of the Canterbury petition I cannot say; but I think I had. As to my clerk, I cannot undertake to say whether or not I gave him any particular instructions as to the designation which ought to be given to Mr. Proctor, in the case of the present petition.

By Mr. AGLIONBY. — When I first knew that my name and that of my friend had been given in as sureties on behalf of Mr. Gompertz's petition, I was certainly astonished.

By Mr. E. J. STANLEY. — I did give Mr. Benbow a certain roving commission to put my name down as surety for any petition in respect of which he might think fit to use it for that purpose. It was my respect for Mr. Benbow's high character that induced me to do this to oblige him. I never saw Mr. Gompertz till this evening. I knew nothing of him. I never stipulated for any remuneration from Mr. Benbow for allowing him to use my name in the way I have mentioned. I only stipulated that I would not be a surety in the case of the Wolverhampton petition. Mr. Benbow never told me, at any of these times, that Mr. Gompertz was interested in this petition.

By Mr. COURTENAY. — The designation I gave of Mr. Proctor was undoubtedly such as would find him. As a man of property, so long resident and so well known in that neighbourhood, there could be no difficulty in finding him.

By Mr. MACLEAN. — I gave in Mr. Proctor's name as a surety, without his permission; but I mentioned the fact shortly afterwards, and no objection was taken by him to what I had done.

Mr. E. J. STANLEY. — Would you have given in his name if you had known that Mr. Gompertz was the petitioner?

Mr. MACLEAN. — I object to that question.

Witness, by order, withdrew.

Mr. MACLEAN. — I object to the question, perceiving the case which the Honourable Gentleman will attempt to raise upon it.

Mr. E. J. STANLEY. — I think my question is one of great importance. It goes to try the issue, whether there are not other parties, besides these now before us, who have not yet appeared. The witness has been asked whether he would have given his name had he known the condition in which Mr. Gompertz, the petitioner in this case, then was? I ask, whether any man, or the witness himself, with the knowledge of that circumstance, would have considered this petition a *bonâ fide* one? My question, I repeat, is very essential.

SIR THOMAS FREMANTLE. — I have not the most remote objection to the Honourable Gentleman's following out this examination to any length he likes. He may go on with it, if he pleases, till to-morrow morning; but, I beg to observe, that he can only examine as to facts, not as to opinions. No witness can undertake to say what frame of mind he would have been in under certain circumstances.

Mr. E. J. STANLEY. — I wish to know the reason which would have induced the witness to change his opinion of the party, for whom he has become a surety?

Mr. VILLIERS STUART. — This man is in the situation of a person who has been deceived. He gave his name for a surety, not knowing at the time that Mr. Gompertz was a prisoner in the rules of the Queen's Bench. It is a fair question, therefore, whether, had he known that fact, he would have given his consent to become such surety?

SIR ROBERT INGLIS. — The present stage of the discussion does not at all regard the application of Mr. Benbow to Mr. Beavan, nor whether Mr. Beavan would have become a surety had he been aware of certain facts in the case. The question really is, whether a description which has been applied to another individual, who is also a surety in this matter, was a fraudulent one, or not? It is perfectly clear, so far as the examination has gone, that the last witness wrote on a scrap of paper the name of this individual, and that he gave the paper to his clerk. He had put in Mr. Proctor's name as a surety for the Canterbury petition also. Now, from all we have heard, it is pretty evident that if, indeed, there were any essential difference between the descriptions of the same surety in the two cases respectively, that difference might vitiate the recognisances in the Canterbury case, but could not affect the recognisances in this.

The LORD ADVOCATE. — I apprehend that it is no good objection to a question, that a witness may not be prepared to answer it. Where there is a reasonable suspicion of collusion or fraud, such questions may be necessary, in order to get at a variety of facts illustrative of the case. It seems to me, therefore, quite fair to ask this witness, whether he would have become surety for Gompertz, had he known the circumstances in which that gentleman was then involved?

An Honourable Member. — If Gentlemen on the other side are disposed to divide on this question, I must vote against it. My Honourable Friend near me has said, that we have been engaged for a long time in an examination as to a mere matter of opinion. That may be all very true, as to the matter of opinion; but I object to the course we have taken, for this speeial reason, that no assignment for perjury can lie upon the answer to such a question.

The question was again proposed by Mr. STANLEY.

Mr. GODSON. — I rise to order. The Honourable Gentleman is about to put a question which can elicit nothing but the mere assertion of an opinion.

Mr. M. J. O'CONNELL. — I, also, rise to order; and I wish to know how the Honourable and Learned Gentleman, who spoke last, can possibly anticipate what it is that my Honourable Friend (Mr. Stanley) is going to ask the witness.

The SPEAKER. — The more correct

course would be to hear the question itself put again to the witness.

Mr. E. J. STANLEY. — With the leave of the House, I will put it differently.

The witness, J. P. Beavan, was again called in.

Mr. E. J. STANLEY. — Do you know Mr. Gompertz? — I know nothing of him; I never saw him till this evening.

Do I understand you to say that you would not have allowed your name to be put in as one of the sureties for the petitioner, had you been aware of his circumstances at the time?

Mr. GODSON. — I object to that question.

The witness was ordered to withdraw.

Mr. GODSON. — It is clear that the Honourable Gentleman cannot put the question. Besides, it is sufficiently answered by the fact which the House has already heard from the witness, — that Mr. Benbow was not to give in the witness's name, as a surety to any petitions, except as to those in which both or either of them were concerned.

The previous question and answer, on the motion of an Honourable Member, were then read by the short-hand writer, namely, "Did you give Mr. Benbow a roving commission, to put your name to any petition he pleased? — I did, most distinctly. I mean as to petitions where interests of mine or his were concerned. I did make that exception in communicating with Mr Benbow on the subject."

An HONOURABLE MEMBER. — I must confess that, from any thing which the short-hand writer has read, I can see nothing to justify the question of the Honourable Gentleman (Mr. Stanley).

Mr. MACLEAN. — The case is this. The witness gave what he calls a roving commission to Mr Benbow, to put his name as a surety to any petition in respect of which Mr. Benbow might think proper to do so. Subsequently the witness was asked, "Would he give his permission to have his name used as a surety in any case where Mr. Gompertz had been concerned as a candidate?" He told you, certainly not.

Witness recalled, and examined by various HONOURABLE MEMBERS.

He knew that Mr. Benbow had been a candidate at Wolverhampton, at the last election; and it occurred to him that Mr. Benbow had an intention of presenting a petition against the return in that case. Witness had the honour of an acquaintance with the Member actually returned for that borough, and therefore, did not choose to interfere in the matter.

By Mr. ROBERT STEUART. — Did you give Mr. Benbow permission to put your name as surety to any other petition than those in which yourself or Mr. Benbow were concerned? — Oh, certainly.

Why, that is contrary to the answer you gave before on this point.

(The short-hand writer read the question and answer referred to by Mr. Steuart.)

Mr. R. STEUART. — Explain this descrepancy, if you please. — That answer is the substance of what I meant to say.

An HONOURABLE MEMBER. — I understand you, witness, to say, that you had such confidence in Mr. Benbow's responsibility, that you were willing to allow him to put your name in, as a surety for any petition, except that of Wolverhampton; and this you did without reference either to Mr. Gompertz, the petitioner, or to Mr. Proctor, the other surety? — Exactly so. It made no difference to me whether Mr. Roberts, or any other individual was the petitioner in any case in which Mr. Benbow applied to me. I had that confidence in Mr. Benbow, that I would have justified in any business connected with him, to any amount.

The witness was then directed to withdraw.

Mr. MACLEAN. — I do not know whether Mr. Proctor should be called in, or not; but as Honourable Gentlemen on the other side appear to wish to see more of him, perhaps it will be better to call him at once; and I therefore will move accordingly.

Mr. Proctor was therefore called in, and examined.

Witness. My name is William Proctor. I reside in South Bank, Regent's Park. I carry on the business of a boot and shoe maker in the Strand.

By SIR H. HARDINGE. — I am

aware that I am bound in the penalty of *500l.* in each case, or petition; but I should not experience the slightest possible difficulty in being bound by that responsibility.

By SIR THOMAS FREMANTLE. — I have known Mr. Beavan for many years, and I never knew a more honourable man.

By Mr. E. J. STANLEY. — I did not consider whether I should have to pay the 500*l.* if the petition should fail through Mr. Beavan.

By various Honourable Members. — The house that I live in, in South Bank, Regent's Park, I have resided in for the last nine years. It is my own property. I possess property also in Worcestershire; namely, a freehold. I have a house also in the Strand, but that I only rent. My name is Proctor, not Procter. I was a surety in the Canterbury as well as in this Pontefract case. I did receive a letter from Mr.. Beavan, stating that he wished me to become surety to the amount of 500*l.*, in the case of an election petition. I believe that my name had been inserted as one of the sureties before I received that letter. I cannot say, whether that letter from Mr. Beavan related to the Pontefract or to the Canterbury case.

On the motion of Mr. AGLIONBY, this letter was then read by the clerk; but it did not state the name of the case in which the witness was requested to become surety.

By Mr. HARVEY. — If I had been asked by Mr. Beavan to be surety in two cases, to the amount of *500l.* each, I would have consented to his request. I am known in Exeter Street in the Strand, to have a house at South Bank, Regent's Park; and at South Bank, Regent's Park, I am known to be a shoemaker at Exeter Street in the Strand.

By Mr T. DUNCOMBE. — I allowed Mr. Beavan to use my name; of my own knowledge, however, I cannot say who gave my name in.

By Mr. MACLEAN. — Since I received the letter which has just been read, I have shown it to Mr. Stanley, the Member for Cheshire. He was speaking to me at his own house about my being a surety, and I told him that I had become so, at Mr. Beavan's request. I think it was about Saturday last when Mr. Stanley sent for me. I did not go to him voluntarily, or of my own accord. I did not know why I was going to Mr. Stanley's house. I was sent for.

How did you first know Mr. Stanley? — I have known Mr. Stanley before, because I am his bootmaker.

Did Mr. Stanley send for you on this occasion, then, to measure him for a pair of boots? — No, no.

On what business did you go to Mr. Stanley's house? — I did not know. I was sent for.

Did you tell Mr. Stanley you were a surety in this case? — I did.

But how did that happen? — I did not know when I went to Mr. Stanley's house, that he wished to speak with me on this matter. I happened to have the letter with me, because it was in my pocket-book, which I always carry. I showed him the letter, and told him, that it was at the request of Mr. Beavan I had become security. I produced that letter voluntarily.

Did you take your letter away with you? — I did.

Did Mr. Stanley take a copy of it? — I believe he did.

Do you know why Mr. Stanley copied that letter? — No; I do not. I did not know the business about which I had come to Mr. Stanley's.

Who introduced the subject of sureties?

The witness was then ordered to withdraw on the motion of

Mr. LEADER, who said: — I protest against that question as irregular. My only object in moving that the witness do withdraw was, to interrupt a course of examination which, I think, is bringing the House into contempt. I have no interest whatever in this case. If Honourable Gentleman on the other side of the House can make out a good case against these, or any other petitioners, I shall vote with them; but, in the mean time, the examination conducted by the Honourable and Learned Member for Oxford has been altogether so irrelevant, that it seems as if it was intended to bring us before the country as persons desirous of amusing themselves with the repetition of trivial conversations that may have passed in perfect confidence between Members of this House and other individuals who may happen to be brought to its bar.

Mr. E. J. STANLEY. — I certainly must object to this witness being ordered to withdraw one moment sooner than may be agreeable to the Honourable and Learned Member for Oxford, who, on proceeding a little further, will satisfy himself, I am confident, that he has discovered a mare's nest.

Mr. MACLEAN. — I think that observation was quite uncalled for. I say, I have found no " mare's nest."

[Laughter.]

But that is a production which will be discovered on the other side of the House. I conceive I was fully justified in the course of examination I adopted, and that it was by no means irrelevant. I do not know Mr. Proctor; I heard him speak of Mr. Stanley; and I inquired if it was the Member for Cheshire? There is this evidence, then, of what is termed a " mare's nest," that an individual known to be a surety in an election petition, had this interview with the Honourable Gentleman the Secretary to the Treasury — told the House that he was sent for by that Honourable Gentleman — that he knew not for what — that this letter was produced, and that a copy of it was taken. Now, I think, it is for the Honourable Member opposite himself to say what was the object of this interview with the bootmaker, and why did he copy the letter?

Mr. JERVIS. — It may be a difficult matter to make out this question one of a moral fraud. The question we have to consider, undoubtedly, is, whether Mr. Proctor's name was put in, in this case, for purposes of fraud. Let it be remembered, that time is the essential ingredient in all these cases of election petitions; and can it signify at all, as to time, whether or not some days after the witnesses name was given in as a surety, and long before he was called on to appear at this bar, he should have produced this letter to an Honourable Member of this House, to which the Honourable and Learned Member attaches so much importance? This letter was in the witness's pocket-book. That book, he says, he had with him, according to his usual custom. He waits upon his customer, the Under Secretary for the Treasury. That Honourable Gentleman asks him how it happens that his name has been given in, as surety in two cases of election petitions? The witness explains the nature of Mr. Beavan's letter to him, and the subject having thus been mentioned, he produces that letter, of which the Honourable Member for Cheshire naturally takes a copy.

Mr. E. J. STANLEY. — If any Honourable Gentleman conceives that any information which he may wish to derive in this case can be elicited from Mr. Proctor, I hope he will allow me to second the motion for the recal of that witness.

Mr. LEADER. — To do anything like justice to the Honourable and Learned Member for Oxford, and to show the House what is the course of examination into which he is dragging them, it would be necessary for the short-hand writer to read the last eight or nine questions.

Mr. ORMSBY GORE. — I am not surprised that the Honourable Member for Cheshire should be desirous to have the witness recalled. From the tenour of the examinations which have taken place, considerable doubt does seem to arise as to what may have been the real object of this interview between the Honourable Under Secretary for the Treasury and the bootmaker; and still more so as regards the fact of the Honourable Gentleman's so " naturally " — as a Learned Member considers it — taking a copy of a letter addressed to his bootmaker, in this case. The Honourable Member for Cheshire (Mr. Stanley) ought to feel most anxious to have the witness recalled; or, if there be any objection to that course, let the Honourable Gentleman, himself, state to the House what the motive and the object of his conduct on the occasion in question really were.

Mr. HARVEY. — As I take it, this witness has been challenged upon two grounds; namely, that he is a party incompetent to become a surety, either by reason of pecuniary incompetency, or by fraud occasioned by some misdescription of his identity. There may be one or both of these ingredients in the case. The question of pecuniary incompetency has been pretty well abandoned; for not a tittle of evidence has been adduced to support it. With regard to the inadequate description, I think it is impossible to attribute anything like fraud in the present instance. Can any one doubt, from the evidence of this witness himself, that there can have been no attempt at fraudulent misrepresentation? He has been a respectable tradesman in the Strand for the last eighteen years; and in that neighbourhood, as the Honourable Member for Cockermouth has elicited in his own examination of the witness, the witness is known to possess a private house at South Bank in the Regent's Park.

Mr. AGLIONBY. — I rise to order. The question before the House is, whether a certain question which has been propounded should be put to the witness? I submit that my Honourable and Learned Friend the Member for Southwark is going into the statement of another part of the case, which is totally irrelevant to the matter in hand.

Mr. HARVEY. — I humbly beg pardon of the House; but I really think that I am as much in order as those Honourable and Learned Gentlemen who have been eloquent and diffusive, for two evenings together, on this subject. I was going on to say that this ground of non-description altogether fails. On the other hand, there are some points in the case not without their significance. Here is one gentleman, at least, whom it is amusing to find expressing his astonishment on discovering that his bootmaker is actually a surety for two election petitions. He is so astonished that he is induced to send for that individual; and I can imagine the Honourable Under Secretary to the Treasury saying to the witness, — "Why Proctor, how is this? I understand you are surety to some election petitions. Do you know what you are about? Are you confident in your friend? You ought to be upon your guard. Are you aware that your liability is for 500*l.* in each case?" Why, I can imagine Mr. Proctor, — who, from what I have witnessed of him, seems to be a very straightforward, plain-dealing man, — I can imagine Mr. Proctor saying to the Honourable Member for Cheshire, — "God bless you, Sir, where Mr. Beavan is concerned, I would as soon give my security for 500*l.* as I would take your order for five pair of boots." And yet, here is the Senate of England squabbling, for hours together, about the testimony of this boot-closer; the one party contending that he has put his foot into his own case, the other that he has done nothing of the sort.

SIR HENRY HARDINGE. — I am much inclined to agree with the Honourable and Learned Member for Southwark, and also with the Honourable Member for Westminster, that the character of this House is very little consulted by such proceedings. But, in vindication of my Honourable and Learned Friend the Member for Oxford, I must say that, considering the discussion which took place on Friday or Saturday last, and that, on Saturday, this person (Mr. Proctor) had had an interview with the Secretary of the Treasury, who took a copy of Beavan's letter to him, — and that, on the very same day, a petition was presented to rescind the decision of this House on Friday, — I do think that my Honourable and Learned Friend was amply justified in pushing the inquiry to the extent that he did. At the same time, I, for my part, am perfectly satisfied that the Honourable Member for Cheshire acted from no other than honourable motives, and therefore it seems now unnecessary to take any further notice of the circumstance. On the whole, I do not think that there can be the slightest doubt of the competency of Mr. Proctor as a surety. At all events, the House is now in a condition to come to a determination on the evidence, and to close the discussion, without further delay.

The CHANCELLOR of the EXCHEQUER. — Then, if no other Honourable Gentleman means to call further witnesses, the first thing is, to order that the witnesses in attendance be discharged; and the next thing is, to come to a decision on the original question.

SIR THOMAS FREMANTLE. — I do not wish to oppose the motion; but, in point of form, I object to the discharge of the witnesses without notice.

The CHANCELLOR of the EXCHEQUER. — My object really was to forward the motion of my Honourable Friend behind me; who, himself, suggested the discharge of the witnesses.

Mr. AGLIONBY. — It is all very well for the Right Honourable and Gallant Gentleman opposite to say that Mr. Proctor is a very respectable man; and, indeed, his pecuniary responsibility seemed to be the principal reason for moving to discharge him and the other witnesses, — if I understand the Right Honourable Gentleman correctly.

[Loud cries of "Question, question!"]

It is really hardly fair in the Honourable Member for Southwark to cry, "Question, question!"

Mr. HARVEY. — I cried "Question!" because I saw the Right Honourable Gentleman in the chair was endeavouring to speak.

Mr. AGLIONBY. — I have been placed in a very painful situation. I must own, with regret, that the practices which we have heard exposed in these cases have a tendency to demoralise and corrupt the whole constituency of the country. I am at a loss to decide whether this case partakes more of the ludicrous or the indecent. I intend to test the principles for which I am arguing, by going to a vote. After the very unsatisfactory accounts which we have heard of this transaction, and the extraordinary manner in which, upon the showing of the witnesses themselves, this case has been conducted, it would be very useless to affect indifference to the character of suspicion which it presents. I think that this case of the petitioner is based in fraud, built up in fraud, and finished in fraud, the most gross and scandalous. You have shut me out from the point I wished to push the case to, and that was, to discover, if possible, why he should select this man from the purlieus of a gaol? When Gentlemen tell me that they will not consent to my motion, unless I can produce direct evidence of fraud, I beg to tell them, in reply, that no man has a right to expect direct evidence of fraud. I said, that the whole case (passing over the original transaction, and speaking, now, of the circumstances connected with the agency sureties) presents a tissue of fraud and falsehood, such as I never before witnessed in this House. The Honourable and Learned Member for Southwark,—whom I am happy to see now in his place, and who came down a short time ago and made a little speech full of his usual sarcasm and sharp humour,—mistook the issue in this matter, when he put it on the question of the competency of the sureties. I contend, also, that the Right Honourable and Gallant Gentleman (Sir H. Hardinge) was wrong, when, in a former stage of this discussion, he said, that a Noble Lord (Lord Ebrington) had spoken to the respectable character and competency of Mr.. Proctor, therefore Mr. Proctor ought to be discharged. The fact is, that the responsibility or veracity of that individual was no substantive part of the issue at all. The legal remedy of Gompertz is now at an end. I stated before, and I now repeat, that Gompertz came before this House having been, himself, already rejected by the proper tribunal, namely, that of the examiners, as incompetent. I say, again, that before a man claims relief from us, from the stringent application of the law, he must show himself, here, with clean hands. Now, first, as to the candidate. Here is Mr. Gompertz, who, although placed in the painful position which I have alluded to, was actually brought forward before the committee as a candidate and petitioner. I appeal to every Member of the House, I appeal to the Right Honourable and Gallant Gentleman himself,—whether, on Friday last, his own impression was not that Moss was put forward by Gompertz? That was what Moss said at the time. But, since then, I think Honourable Gentlemen would find it very difficult to contend that a state of things altogether different has not been made out. Whether all this be so, or not, it is clear that Mr. Moss put himself forward as the agent, and it has since been shown that he was not so. Does Mr. Benbow stand in the same light before the House? No; not at all. It has been proved, that he is a very respectable gentleman, who does not put himself, nominally, in a position which he does not occupy. He interferes for the legitimate purpose of assisting a client, by what I must presume would have been legitimate means, in the object of getting returned to Parliament. Does he say, that he would have interfered in this business if he had known that a person, in the situation of Mr. Gompertz, had been the confederate of Moss,—whose scheming conduct, throughout the affair, I leave the House to form its own judgment upon, from what he himself has stated at the bar? I do consider that Mr. Benbow, had he been aware of the mode in which Moss was proceeding, would not have had anything to do with the transaction. Throughout these circumstances, it is clear that the sureties themselves, originally, knew nothing of the petitioners, or of the two elections spoken of;—in short, that it has been, from beginning to end, a mere juggle. Then comes the witness, Mr. Beavan, of whom I must say, without desiring at all to inpugn his respectability or character,—for I know nothing of that gentleman, except in so far as regards his conduct in the main facts of this transaction,—that here has been a gentleman, who has been for a long time a member of the profession, yet has allowed himself to be betrayed, I dare say unwillingly, into a connection with what, I must repeat, is an absolute juggle. Then, there is Mr. Proctor. I am bound to admit that that witness gave his evidence at your bar frankly, fairly, and candidly. I beg to say, that I have no doubt of his respectability, of his general character, of his willingness to speak to facts, and of his pecuniary responsibility; but he, too, has been juggled into a transaction, in which the witness Moss has declared that he is the agent of Gompertz, whilst the witness Florence has deposed, and proved, upon Gompertz's authority, that he is not. Now, I contend that here has been shown a case of fraud, calculated to give great anxiety to the sitting Member. No other party could have raised a question upon the return of that Member but Mr. Gompertz himself; but Gompertz rips it open, by presenting a petition for relief, forsooth, from the strict exigency of the Grenville Act in his case. When I find a case bottomed, as this is, in falsehood and in fraud, where the only party whom we are called upon to give relief to is a party who stands in the degraded position of the petitioner,—I declare that, if I am to stand alone in a division, I shall give my support to the sitting Member, as I would to any other respectable person, and as the House would be bound to do to any other respectable person, who has been guilty of no misconduct, and against whom no charge, on that head, has been brought. What astonishes me is, what can have induced the petitioner to appear through Mr. Moss; or rather, Mr. Moss to state that he appeared for the petitioner. He was bound to appear, by himself or his agent, and, in any case, to satisfy himself of the facts upon which his petition was introduced to the House. Did he meet this case fairly? No; he did not do so: but he appeared by Moss, who pretended to be his agent, but who was not his agent; and I say, that Moss himself was forced to admit, that he had an impropér motive in giving in the name of Florence as agent. He admits, I say, a motive of this indefensible description; he had his reasons, it seems, at one time, for not wishing to appear as the agent, in a petition relating to a borough for which he himself meant to be a candidate; and therefore he, in the first instance, authorised Mr. Florence to appear for him. I say, this is no case whatever for the House to interfere in, on behalf of the petitioner, and certainly not one in which to grant the species of relief now prayed for. I shall, therefore, move that the order of Friday last, "That the time for entering into recognisances in the case of the Pontefract election petition be enlarged till Thursday, the 20th day of this instant December," be discharged.

SIR ROB. INGLIS. — The Honourable and Learned Member for Cockermouth has put the question before the House upon this issue,—namely, whether relief should be given to a party whose conduct he has described as being based, built up, and finished in fraud? Whether or not this be so, does not perhaps appear, from the evidence we have heard at the bar; but the real question, with submission to the Honourable and Learned Gentleman, is, — whether this House, having agreed to grant that relief on Friday last, anything has occurred since Friday, to make it proper or expedient that the House should recal or rescind that relief? Has anything occurred, does the Honourable and Learned Member mean to say, or does he call upon the House to say, in the evidence which has been given in since Friday, when it was agreed to grant the relief which the petitioner prays for, that has so altered the character of this case, or raised so irresistible a presumption of fraud, that we should, this night, deny and withdraw the relief which, on that former evening, we agreed to give? Sir, I put the whole question upon that short ground. Has there been such a variation in the address or designation of the surety, upon any of the evidence which has been given to-night, as should induce us to revoke that decision, founded upon our opinion of the absence of fraud, in that particular, to which we came on Friday? The truth is, Sir, that the question before us to-night is, not whether Mr. Gompertz is, or is not, a prisoner, in the rules of the Queen's Bench; not whether Mr. Moss is, or is not, a parliamentary agent, acting for Mr. Gompertz; not whether Mr. Benbow or Mr. Beavan have acted in a *bonâ fide* capacity; but the question simply is, whether the House finds any reason to alter its opinion of Friday, that there was no intended fraud in the misdescription or erroneous designation of Mr. Proctor as a surety? The whole point is, has anything occurred, as to that matter, which would justify us in withdrawing the indulgence we agreed to grant, on Friday last? Much has been said of late with regard to the unsatisfactory nature of proceedings before, and the defective character of decisions given by, our election committees. The experience of the last three nights, however, has quite satisfied me, that whatever may be the defects, in the constitution of these election committees, this assembly, at least, is a very imperfect tribunal for the adjudication of cases like the present, where all are advocates, parties, jurymen, judges, and all brought together and acting under the constant stimulus of eloquent appeals or denunciations, from various parts of this House, without any controlling power to modify the influence of that stimulus. Whatever objections, then, I say may exist, as to the decisions of those committees, the decisions to which this House has come within the last few weeks, do not appear calculated, to my mind, to raise the character of this House with the public; and I am fearful that the result will be, that the little progress which it has made in the estimation of the public, by such proceedings as those to which I allude, will speedily be sacrificed.

Mr. M. J. O'CONNELL. — I do not at all agree with the Honourable Baronet the Member for Oxford in his definition of the question before us. The real question is, whether certain representations which were made to us in this case on Friday last were, or were not, satisfactory? and if, after the evidence which has been offered to-night, it should be considered that they were so, there can be no doubt that we ought to confirm our decision of a former evening. On Friday night last, Mr. Moss was examined, and so far as his evidence was concerned, the case was favourably entertained, and if you please, was proved most fully. The case, then, regarded only this issue, — whether, or not, the misdescription of Mr. Proctor, the surety, could, under the circumstances, be cured? But, since then, evidence has been opened to us, from which what my Honourable and Learned Friend (Mr. Aglionby) so properly calls "a parliamentary juggle" appears to have been concocted in this affair, at least between the witnesses Moss and Florence.

[Hear, hear!]

Why do not Honourable Gentlemen who cry "Hear, hear!" exculpate their witness Moss, whose conduct is, I think, at the least, most suspicious? The witness Florence denies, in great part, the assertions as to him and his agency, which had been made by Moss. Then there is the sham candidate, who appears, under still more melancholy circumstances. Thanks to Mr. Moss, we have seen the book in which the poll for the last election at Pontefract is published; and will it be believed, that there is not in it one word about Mr. Gompertz, nor one vote tendered for him?

The House then divided on the question, that the order of the day made on Friday last, "That the time for entering into recognisances in the case of the Pontefract Election Petition be enlarged till Tuesday, the 26th day of this instant December, be discharged."

Ayes . .	86
Noes	56

DUDLEY ELECTION RECOGNISANCES.

On the motion of Mr. PRYME, Mr. William Meryweather Turner, the petitioner against the return for the borough of Dudley, was called in.

COLONEL SIBTHORP. — I have a question to put to the Chancellor of the Exchequer, and which, as it is an extremely important one, I could desire now to be put.

The SPEAKER.—Order, order! The Honourable and Gallant Officer should be aware, that all these election petitions have precedence.

COLONEL SIBTHORP. — I beg pardon. I did understand, however, that the Civil List, and then the vote to the Duchess of Kent, were to be proceeded with to-night. If I am out of order, I will only express my hope that the Chancellor of the Exchequer will not, upon the important question I allude to, throw me over for to-night.

The CHANCELLOR of the EXCHEQUER. — No man can be more anxious than myself that the Civil List, and the vote in question, should be proceeded with. I should be very glad, indeed, if I could get the order for considering these brought on at an earlier hour.

AN HONOURABLE MEMBER. — At least the Right Honourable Gentleman will not bring the Civil List on at three o'clock in the morning?

The CHANCELLOR of the EXCHEQUER. — Certainly not.

The examination of the witness, Mr. M. Turner, was then proceeded with.

By Mr. PRYME. — I am a barrister-at-law, and am the petitioner in respect of the return for the borough of Dudley, for which I was a candidate. I was informed, last night, that the time for entering into recognisances had been enlarged until the 26th of this month, and that the same period was allowed for giving in sureties. I have not entered into my own recognisances. I have stated why I did not apply last night in the proper quarter. I did apply, this morning, to the Speaker's secretary, and I was informed by him that I was too late. I applied this morning, because, from what I had heard just before, I feared that the application ought to have been made last night.

By SIR T. FREMANTLE. — I did not say that such an order, for so extending these recognisances, was made last night; but that I was so informed. My informant was an Honourable Member of this House. I have no parliamentary agent. I conduct this business myself. I did not ask to see the order which I had in the first instance understood to have been made for extending the recognisances. I prepared and drew up the petition which was presented on the 15th instant to this House. I sent it to a law stationer's to be engrossed, and am aware of the nature of its prayer. I think it was, "to grant further time for my sureties to come in, or for such other relief as the House might think fit to grant." My impression was, that I should not apply for further time to enter into my own recognisances. I thought it would be of no use for me to do so. I understood that the indulgence which it would be proper for me to apply for was, for leave to have the recognisances of my own sureties extended. I had no particular reason to suppose that the House would extend to me a further indulgence than it would give to other sureties, beyond my own impression on the subject. This application could have been made, and this step taken last night, had I been aware of the necessity for it. There is no reason why this should not have been done. That it was not done was owing entirely to a mistake.

The witness was then directed to withdraw.

Mr. PRYME. — Under the circumstances which the House has heard stated by the witness who has just left the bar, my motion will now be, Sir, "That the time for William Meryweather Turner, the petitioner against the return for the borough of Dudley, to enter into his recognisances, be enlarged till to-morrow."

SIR T. FREMANTLE. — It is with very great regret that I rise to say, I feel it to be my duty to vote against this motion. Had I, indeed, been induced to concur in supporting the previous motion, I might have been disposed to go a little further, and to support this. But the House must see that there ought to be some end put, by us, to these mistakes. To what end was the Grenville Act passed at all, if, day after day, we are to be granting the indulgence of this House to parties to enable them to cure the mistakes they may have committed as regards their non-compliance with the requisitions of that Act? When we were arguing this sort of case on a former night, many Gentlemen did say, "We feel inclined to show indulgence in this instance, without scrutinising the facts or the merits too strictly." And in the case of the Pontefract petition, the relief was prayed for expressly as matter of indulgence. But because on Friday you were lenient, on Tuesday you are determined to do nothing but strict and even justice; and I very much regret that you should have thus rescinded your vote. That a man should merely say at the bar, that he thought to-morrow would do for taking such or such a step under the Act, and that he had intended to do so and so, but did not, never can be accepted as a sufficient excuse for neglecting to comply with this request. The omissions of the party in this case are aggravated by the circumstance of his having declined to employ a parliamentary agent. He draws his petition himself; he will conduct the whole business himself; and this gentleman is a barrister, forsooth. Why, in that capacity, he ought to know better than any one of us the exact course of proceeding; and yet, being himself in the law, with a full cognisance of what he ought to do under the specific provisions of an express Act of Parliament, he absolutely allows the fourteen days limited by that Act, for the performance of a certain duty, to elapse before he acts in the business.

Mr. POULETT THOMSON. — I am very much surprised at the speech we have just heard from the Honourable Baronet. He founds his objection to the prayer of the petitioner for relief in this case on what occurred in the Pontefract case. One of his arguments was, that we have just now rescinded the vote of last week in the Pontefract case, and therefore we ought to come to a similar decision on this. I am one of those who heard the witnesses at the bar in that case, and believing, with the Right Honourable Member for Cambridge University, that, as the time for amending the description of the surety was on the point of expiring, and no intention of fraud could be presumed, on that evidence, to have been intended, in the mode which had been adopted of designating the surety, Proctor,—I recommended Honourable Gentlemen not to deny the prayer of the petitioner; and I voted accordingly. From the evidence I heard last night and to-day, however, I have been induced to concur in rescinding that vote which I considered to have been obtained by false pretences, and those only. Putting out of the question the grounds on which I founded my judgment on the Pontefract case, I come now to the consideration of its analogy with the present. The facts which have been elicited, I understand, go entirely in favour of this petition. When I heard from the gentleman examined at your bar, that he went home last night conceiving that by the vote of this House he was precluded from the necessity of putting in his application for further time to enter into his own recognisances, and consequently that he suffered the time limited by the Grenville Act to elapse, and by a single day, as it should seem, — I felt convinced, and shall certainly now vote that further time be allowed, as prayed, and in conformity with the motion of my Honourable Friend.

Now, what was the motion which the House confirmed in the case of the Pontefract election petition? It was, that the time for entering the recognisances be enlarged to the 26th of December. This was the order made by the House, and it applied as well to the petitioner as the sureties. Then, in what took place last night, the intention was to grant the same indulgence as in the former case; but the motion, it appears, was worded so as to include the sureties only; the only difference being, that in the one case the time was enlarged for perfecting the recognisances generally, while in the other it is made to apply only to the sureties. I say, then, when the petitioner comes here, and tells us that he understood the indulgence of the House was extended to himself as well as to his sureties, and that, in not entering up his own recognisance, he acted under a mistake as to what were the intentions of the House, I think we are bound, in consistency and justice, to extend to him the same indulgence that we have extended to others. I admit that all deviations from the strict rule of the House must occasion great inconvenience, and I regret that such questions should be brought forward; but I contend that the House, having set aside their rules and granted indulgence in one case, cannot, in justice, refuse to extend the same measure of relief in another. The House has decided that they will not inflict the strict rule, and they are bound to deal justly to all parties.

Mr. MACLEAN.—I am quite as much astonished at the argument of the Right Honourable Gentleman who has just sat down, as he expressed himself to be at the observations of my Honourable Friend the Member for Buckingham (Sir T. Fremantle). The argument which the Right Honourable Gentleman has used, if pushed to its full extent, would go to this, — that, however negligent and regardless parties may be in conforming to the rules which this House has laid down,—let them make just what omissions they please, — the House is bound, because it has extended the time in the Pontefract case, to overlook these, and to grant them the indulgence they may require. Now, what is the case? The petitioner is his own agent; he is a barrister, and therefore must be supposed to know something of the law, and of the application of the Grenville Act, in such cases. He comes and asks the House to remedy a specific grievance; his brother's name not being correctly stated, the House grants him the relief for which he prays; and now, having neglected to enter up his own recognisance, he comes here and says, that he understood the indulgence which he asked for the surety was extended also to himself. Can the House believe that the petitioner, who cannot be presumed to be ignorant of parliamentary law, could have committed such a mistake as not to know, when the extension of time for which he asked was granted, whether it applied only to himself or his surety, or to them both? If we are to go to this extent, we had better cancel the Grenville Act at once, and say, that in all cases where a sufficient reason can be shown, the indulgence of the House will be granted without any reference whatever to the law on the subject; thus the time of the House, which is now occupied in these discussions, would be saved.

The SOLICITOR GENERAL. — I well recollect that it was said, last night, when this case was under discussion, that the same indulgence ought to be granted as had been granted in the Pontefract case. I know that it is not so in the words of the order; but when the House extends the time, and does so upon the grounds of a similar extension having been granted in another case, what is the inference? Honourable Gentlemen have said that we ought not to interfere with the Grenville Act. But are we doing so? I think we are acting in perfect conformity with that Act. Honourable Gentlemen will recollect that it is a provision of the Grenville Act, that, on sufficient cause being shown, and proved by affidavit, it is legal for us to extend indulgence, and to do justice to the parties; and if ever there was a case of mistake in which the interference of the House was necessary, this is one. At the same time, if any Honourable Member considers there is anything like fraud in this transaction, he will do well to oppose the motion.

Mr. FRESHFIELD. — I have no intention of arguing the point with the Honourable and Learned Gentleman, however much I may differ from him in opinion; but I will merely say that, according to my memory, it was not clearly understood that the same course was to be taken in this as had been previously pursued in regard to the Pontefract case. On putting the question, last evening, the Right Honourable Gentleman in the chair asked the Honourable Member for Cambridge for the terms of his motion, and it was ordered accordingly; but in the Pontefract case the motion was for an extension of time, generally, to all the parties.

Mr. PRYME. — With respect to what took place last evening, I beg to observe, that when I made the motion, I had not prepared any form in writing; and when you, Sir, called upon me from the chair, for the terms in which the question should be put, a form of motion was handed to me from the table, which I read and put into your hand. After the division had taken place, I saw the petitioner, and told him that the House had agreed to extend the time for entering the recognisances till the 26th of December. I told him this in general terms, and according to my own impression of the order. It now appears that a mistake has arisen, in consequence of my not giving the petitioner a copy of the motion. The petitioner, therefore, could not know of the error until he saw the Votes published this morning, when it was too late for him to enter up his own recognisance, without an extension of time being granted. Here, evidently, is no fraud, but a *bonâ fide* mistake, and the parties are perfectly willing to give good and sufficient security for the payment of costs, in the event of the petition being declared frivolous and vexatious, and thus the object of the Grenville Act is attained.

Mr. COURTENAY. — The Honourable Gentlemen opposite are putting their case upon the ground of absence of fraud — we oppose it upon the ground of gross negligence. We have been told by the Honourable and Learned Solicitor General, and by the Honourable and Learned Member for Cambridge, that, in granting the indulgence, in this case, we do not interfere with the Act of Parliament. I, on the contrary, contend that we do. The spirit of the Grenville Act is to give relief only where the necessity is proved, but not to annoy the sitting Member by a series of motions of this kind. I believe, also, that these words will be found in the Act in question, "provided always that the time, in no one case, be enlarged oftener than once, and that the name shall be but once changed." Now, these words may not, perhaps, exactly meet the present case, because it never could have been supposed that such a case would ever arise. I say, that it could not have been supposed, by the framers of that Act, that a lawyer, acting as his own agent in an election petition, would come here and say, "I have not complied with the law because I did not know it, and I therefore claim your indulgence on account of my ignorance." The Honourable and Learned Member for Cambridge has said, that the petitioner did not know the terms of the motion till this morning. Why, the resolution of the House is in exact accordance with the prayer of his own petition, and what right had he to conclude that the House had granted him more than that which he asked at their hands?

SIR H. HARDINGE. — I will not enter into the legal points which are involved in this question. I may, however, be permitted to say, that I think the House ought to have come to a different conclusion from that of last evening. But what are the facts? The petitioner, having obtained his prayer, in the first instance, has committed a second error, and asks the House to grant him its indulgence again. Now, if this be allowed, we shall, no doubt, have many such cases brought forward; and I have already heard it said, in consequence of the decisions of Friday and Monday last, that no petition, however absurd its prayer, would be refused by this House. The opinion of the Chair has already been most decidedly expressed, and we ought to adhere to it. We ought to have rescinded the order in the Pontefract case, and to abide by the strict letter of the law in all others. If there be any doubt in the case before us, I will put it to the Chair, to say whether it is either usual or proper for a petitioner to come twice to this House to remedy his own errors? In the first instance, the petitioner committed an error in the name of his own brother, and then, in neglecting to enter up his own name. If we agree to this motion, we shall not only infringe the law, but make ourselves the laughing-stock of the whole country. Sir, I should be glad to hear your opinion.

The ATTORNEY GENERAL. — Sir, it appears to me that you are improperly called upon to address the House on the question before it.

Several HONOURABLE MEMBERS. — Chair, chair! Order, order!

The ATTORNEY GENERAL. — Sir, upon a point of order nothing can be more proper than to request your decision; and knowing, as we all do, the great ability with which you decide in such questions, I am sure that we shall at all times be ready to bow to your opinion. But the present case is, Sir, I apprehend, one purely of opinion, as to the propriety of the House exercising a particular power, and upon which the House itself is much divided, and on which you ought not to be called upon to decide.

Several HONOURABLE MEMBERS. — Chair, chair!

The ATTORNEY GENERAL. — Sir, with all respect for you and the high office which you fill, I must protest against the Chair of this House acting in a judicial capacity; and I protest against the Chair of this House being called upon to give an opinion on a point with respect to which various Honourable Members may entertain various opinions, and which is calculated to draw forth the excited feelings and animosities of party.

SIR G. SINCLAIR. — I wish to state the grounds upon which I shall give my vote upon this occasion. I last night voted for extending the time for entering the recognisances in the Dudley case, because I thought an error had been committed; but I conceive that the petitioner ought now to bear the penalty of his own inadvertency, inasmuch as he has only himself to blame. If any one ought to have the benefit of this second mistake, it is not the petitioner, but the sitting Member.

The House then divided: —

Ayes	81
Noes	45
Majority against enlarging the time	36

SLIGO COUNTY ELECTION RECOGNISANCES.

MR. MAULE.— Sir, I will shortly state the grounds upon which I am about to make application to the House, to enlarge the time for entering the recognisances in the case of the Sligo county election petition. You, Sir, have reported that the recognisances have not been entered into in due time, according to the Act of Parliament; and, by the terms of the statute, I am aware that the order which the House has made in reference to this petition must be discharged, if no special matter can be shown to the House to justify it in granting an extension of time. The effect of the Act of George IV. is, that the recognisances shall be entered into within fourteen days, or such further time as the House shall think proper to direct. If the recognisances be not so completed, it becomes the duty of the Speaker of this House officially to state the fact from the chair; and if the parties should still be desirous of proceeding with the petition, they must then be prepared, on sworn testimony, to show that a case has arisen to call for the exercise of the power of the House to grant further time: there is, however, a limit to the power of the House in this matter, the Act confining the extension of time to thirty days. I am not, therefore, calling upon the House to set aside the provisions of the Grenville Act, but to decide according to its strict letter. The Act further provides that the sureties to election petitions shall, if residing within forty miles of London, enter into their recognisances before the Speaker of the House of Commons, or the officer appointed by him; but if residing beyond that distance from town, the recognisances are to be entered into before a justice of the peace. It must, however, be remembered that the Act gives no express form in those cases where the sureties enter into their recognisances separately, and not generally.

In this case Mr. Nolan, one of the sureties, binds himself to pay the costs of this petition, in the event of its being declared frivolous and vexatious; that is, if the petitioner himself neglect or refuse to do so. There being no particular form stated in the Act, he has used a form which he considers fully binding upon him. The form, however, which he has so adopted has been disputed. It is, doubtless, natural that a correct form should be used, in order to give security to the sitting Member that the costs will be paid, should he succeed in proving the petition to have been frivolous and vexatious. If the form of the recognisances be incorrect, the Speaker will not feel himself justified in granting his certificate, and it will then be necessary for the sitting Member to apply to the Court of Exchequer, and to obtain the decision of that court as to whether or not such form is that which the Act intended should be binding upon the parties?

The recognisances in the Carrickfergus case, to which you, Sir, have called the attention of the House, were, I understand, prepared by Mr. Cullen, a most eminent and skilful practitioner. He considered that there might be some doubt upon the subject, and he, consequently, prepared two forms, in order that if objection should be made to the one, the other might be substituted. In the Sligo case, the form of recognisance was prepared by a solicitor of considerable practice in Dublin. He adopted this particular form, being of opinion that it was perfectly binding upon the surety, and was a sufficient security to the sitting Member. The error, if it be one, is certainly one that might be committed by the most skilful lawyer. Instead, however, of proceeding upon recognisances, with respect to the form of which some doubt may be entertained, we apply to the House, under the clause of the Act to which I have referred, to grant us an extension of time, in order that we may put in new recognisances in the proper form. I move that the petition (presented yesterday) from James Potter be read, and that Mr. Potter be called in and examined.

The petition was then read accordingly.

Upon the question, that Mr. Potter be called in, being put, —

COLONEL SIBTHORP said: — I think it would be improper to proceed with the investigation at this hour of the morning; and I will move, as an amendment, that the debate be adjourned to this day.

Mr. MAULE.— I wish only to examine one witness.

COLONEL SIBTHORP. — I will not consent to the examination of half a witness.

Mr. WARBURTON. — I wish to know whether, if we now delay to call in the witnesses, it will be competent for us to entertain the question at another time?

SIR H. HARDINGE. — Sir, I think Honourable Gentlemen on this side of the House ought to have some information as to what has passed before the examiners. Honourable Members opposite who come down prepared with their briefs on the question have a great advantage over Gentlemen who do not possess the same sources of information; and, Sir, when I hear you state to the House, that in one case the ostensible agent in this petition gave in recognisances which were informal, and, if accepted, would have been no security to the sitting Member for the costs incurred, and that when those recognisances were objected to, he put his hand into his pocket and drew forth proper and correct recognisances, it does appear to me that some most extraordinary proceedings have taken place. When, Sir, I find that you consider the circumstances so tainted with suspicion that you deem it necessary to take an extraordinary step and to communicate that to the House, which but for you they never would have known, — and when I hear you, Sir, express your opinion in the most decided manner (although, I am sorry to say, that opinion has not been regarded),—I trust that the House will not, without much consideration, step out of their way to grant indulgence in other such cases. If such a system is to be tolerated, there will be no end to the inconvenience, and no security whatever for any Honourable Member against whose return a petition may be presented. As I recollect the custom of older times, it was usual for the examiners appointed by the Speaker to consult with him upon any doubtful matters. I do not know whether that practice is now continued. But, Sir, as there is a very strong suspicion of fraud in this case, if I am not asking too much, I would respectfully request you to give the House the benefit of your opinion?

The SPEAKER. — I will not give any opinion in this matter; but will state the facts. The recognisances were entered into in Ireland, and transmitted to my secretary; he discovered an error; and it was in consequence of this that the other recognisance was put in. I do think that if the witness is called he can show no more than I have stated to the House. The circumstance made so much impression on my mind that I could not avoid stating it to the House.

The question was then put, that this debate be adjourned to this day.

Mr. POULETT THOMSON. — I entirely agree with the Honourable and Gallant Member for Lincoln, that if this question is likely to lead to a protracted debate, it would be better to adjourn its further consideration. We may have an opportunity of discussing it in the course of the afternoon sitting; but it would be most inconvenient to do so at this late hour of the morning.

Mr. MAULE. — By the remark of the Right Honourable and Gallant Gentleman opposite (Sir H. Hardinge) about briefs, it might be supposed that I do not stand in the position of an independent Member of the House in this case, but that I am retained, in some sort, as an agent for the petitioners. I beg to say that I am incapable of voting here as an advocate, or of stating any opinion that I do not feel; and I assure the Right Honourable and Gallant Member that my vote on this or any other question will be given as independently, and as free from bias of any kind, as his own, or that of any other Honourable Member.

SIR H. HARDINGE. — The Honourable and Learned Gentleman has misunderstood me. I did not say that he was interested in this question. What I did say was, that Honourable Members on his side of the House came down prepared with information which we, on this side, do not possess, and that therefore they had an advantage over us in these discussions.

The SPEAKER. — In answer to the question which was just now put to me by the Honourable Member for Bridport, I beg to state, that the House adjourned the debate on a former occasion in a similar case.

SIR T. FREMANTLE. — I would suggest to my Honourable and Gallant Friend near me (Colonel Sibthorp), the propriety of allowing the witness to be called in and examined. So much time having already been occupied in this discussion, the general convenience of the House would, I think, be best consulted by deciding the question at once.

COLONEL SIBTHORP. — I am ready to do anything for the convenience of the House.

The CHANCELLOR of the EXCHEQUER. — I, for one, am prepared to go on with this question. I will not say whether there is fraud, or not; but, Sir, from what you have stated, it appears that there are circumstances which lead to that inference. I say, then, that the mere suggestian of fraud is sufficient to induce the House to proceed at once with the examination, as in all such cases it is expedient that the parties should not have the means of preparing themselves.

The motion of adjournment was then, by leave, withdrawn.

Mr. Potter was then called in, and examined, upon oath, —

By Mr. MAULE. — Is a solicitor, and resides at Dulwich. Is engaged in the Sligo, Portarlington, and Carrickfergus petitions. Sent the printed form of the recognisances, after having received them from the proper officer, to his partner in Dublin, requesting him to fill them up. In the cases of Sligo and Portarlington, the forms were filled up in precisely the same terms; but in the case of Carrickfergus, separate recognisances were returned, as well as the joint recognisances; this arose in consequence of a doubt that prevailed in the mind of the agent in Dublin; therefore, in the one recognisance the petitioner and the surety were united, and in the others they were separate. Had no design in having the two different forms. Did not know that there was informality in any of the recognisances until he was informed of it on Monday by the Speaker's secretary.

By SIR THOMAS FREMANTLE. — Did not, in the first instance, put in all the recognisances he had received from Carrickfergus; put in only the separate ones. Is aware that, at the end of the Act of Parliament, there is a form given as to the mode in which recognisances are to be drawn. The joint recognisance corresponded with the form prescribed by the Act.

Why then, did you prefer to hand in the recognisances which were informal?— I made inquiry upon the subject, and understood that when some of the parties were resident in London, and others in different parts of the country, separate recognisances were received.

By HONOURABLE MEMBERS. — Cannot undertake to say that he read the recognisances through. Did not thoroughly examine them. Was aware that there were single and double recognisances. Was not aware of the error in the separate recognisances until it was pointed out to him by the Speaker's secretary. Was of opinion that the separate recognisances were binding upon the surety.

Mr. MACLEAN. — If you were aware of the forms prescribed by the Act of Parliament, and which you acted upon in the cases of Sligo and Portarlington, how did it happen that you sent a different form to Carrickfergus? — The form was in every respect the same, but it was irregularly filled up.

By COLONEL PERCEVAL. — On Friday, the 15th, upon justifying bail, had not read over the recognisances. Did not communicate with his partner as to the way in which the recognisances should be filled up. Received the recognisances of Patrick Nelson yesterday morning. Does not know Nelson. Does not know John Gallaher; but believes him to be one of the petitioners. Witness is the agent of the petitioners. Will not undertake to name them all. There are four. Never saw either of them before he undertook the case for them on their petition against the return for Sligo. Presumes Nelson sent him the petition. Knows nothing of the arrangement made by his partner in Dublin as to who is to pay for the expenses of prosecuting that petition. Has read the petition of Mr. Jones, who is also a petitioner. Witness's partner communicated with him on the subject of the petition. Is also agent in the Carrickfergus and Portarlington cases. Has justified bail in those petitions. Is not aware that the petition of Mr. Jones has been disposed of by the Speaker. Is aware that the time for entering into the recognisances is past, unless the House should grant further time. Has not petitioned for farther time. Is aware that the case of John Kelly has been discharged.

The witness was then ordered to withdraw.

Mr. MAULE. — It cannot be at all necessary for me to detain the House with any lengthened observations, after the very satisfactory examination which the witness who has just withdrawn has gone through. He has, I think, entirely confirmed the statement which I had previously made to the House; and there cannot be the smallest doubt that there was every desire on the part of this gentleman to justify the recognisances, and that it is from the merest accident in the world that he has not done so; not only in the Carrickfergus and Portarlington, but also in the case of Sligo. I will therefore move, "That the time for entering into recognisances by the petitioners and sureties in the case of John Gallaher and others, complaining of the Sligo county election, be enlarged till Saturday, the 30th day of this instant December."

Upon the question being put, —

Mr. MACLEAN said: — I object to this motion on more than one ground; first, because I think that the example which the House would set, if they countenanced such negligence and laxity of principle in regard to the construction of an Act of Parliament, would become, as to subsequent cases, a very bad precedent; and, secondly, I object because the case now before the House is that of an agent, and not of a petitioner. In the last case the petitioner acted as his own agent, and, in ignorance of the Act of Parliament, he stated that he believed the indulgence granted to the sureties was also intended to include himself. But here we have an agent, who is a responsible person, coming to the House and telling us, that he has not even read the recognisances, although he perfectly well knew what was the proper form to be observed. If the House were to consent to the motion of my Honourable and Learned Friend, they would just read this lesson to all agents,—that, however gross their negligence might be, they need only come to the House and state that they had totally neglected the duty which they owed to the House, as well as to their clients, and the House would immediately excuse them. Nothing can be plainer than the words of the Act of Parliament. The Act states that the petitioner as well as the sureties must enter into such recognisances according to the form thereunto annexed. Here there is a distinct declaration of the Act itself. There is no difficulty in the case, either in the petitioner's complying with the proper form, or in the agent's obtaining the information from the proper source, and communicating with the petitioner as to what form of recognisances ought to be adopted. But in this case not only does the agent neglect to do this, but he does not even condescend to read the recognisances. The House is called upon to set aside the rule upon the application of an agent, who, I believe, by his own statement, is occupied in working four election petitions in this House, without any knowledge of the petitioners, and who comes here for the purpose, only, of showing how singularly ignorant he can be, not only of the law of Parliament, but of the very forms.

in which the recognisances are required to be given; for he tells us that he did not know of the error in the recognisances until, on presenting them to the Speaker's secretary, his attention was first called to it by that intelligent gentleman. I believe the opinion of the Chair will be in accordance with mine as to the construction of the law, — that it is perfectly clear as to the manner in which the recognisances shall be entered into. The fifth section of the Act of Parliament states what shall be the legal recognisance, and the eighth section empowers a justice to certify in certain cases. But there can be no doubt that the same form must be used as though the recognisances were taken in the usual manner before the Speaker in London. The justice must certify that proper recognisances have been entered into. But how can the recognisances which were so certified in this case be termed proper recognisances? Will it be contended that the person becoming surety is not to say for whom it is that he is about to become surety? By the form of recognisance that has been adopted, the party has entered into a surety for only 250*l.*, while in fact he is surety for the whole costs of the petition. He binds himself to pay to the extent of 250*l.* only; and he states at the same time that he undertakes to pay all the costs. This cannot be the intention of the Act of Parliament. I think that the justice before whom this recognisance was entered did wrong in giving the certificate. Then what security has my Honourable and Gallant Friend (Col. Perceval) for his costs in the event of his proving this petition to be frivolous and vexatious (of which, from what I have heard, I entertain not the slightest doubt)? The agent has told us that he knows none of his clients. He knows not whether the petitioner is worth one farthing or 1000*l.* Again, if the intention was not fraudulent, how happened it that the agent should think it necessary to be provided with two sets of recognisances, the good to be substituted if the bad was refused? The whole of the proceedings have a most suspicious appearance. And is the House to be called upon, under such circumstances, to give its sanction to conduct which it ought to deprecate, and, by granting this application, throw the whole of the *onus* of proof on the sitting Member, and put him to the expense of costs without a prospect of recovery? I trust the House will not confirm the motion that has been submitted to it.

AN HONOURABLE MEMBER. — I move that this debate be adjourned till this day.

The CHANCELLOR of the EXCHEQUER. — If the Honourable Member who has just spoken had confined himself to the question of legal construction, I should not have said one word on the subject; but as, after hearing the evidence of the witness, as to these two petitions, the Honourable Member has thought it necessary to draw inferences to the prejudice of the case and of the witness, by saying, that the witness went before the examiners with a fraudulent intention, with two sets of recognisances in his pocket, one bad, and the other good,—I must say that, in my opinion, if ever any case was clear of fraud, this is that case. The Honourable Gentleman has said, that this petition has been got up by unknown persons. So it might have been said with respect to the Pontefract case, in which Mr. Gompertz petitioned. And have we never heard of other cases in which the House has been imposed upon? That, however, is not relevant to the point at issue. I look to the chief point, to see whether there is any fraud in the matter, and finding nothing that can justify me in imputing fraud to any party, I must vote in favour of the Honourable and Learned Gentleman, for I can find no circumstances connected with these two classes of recognisances from which, even as a juror in the case, I can possibly infer fraud. I therefore am prepared to affirm the motion of my Honourable Friend.

COLONEL PERCEVAL. — I think I must, in justice, leave the House; but, before I do so, I hope the Right Honourable Gentleman in the chair will state his view of the law of the case.

Several HONOURABLE MEMBERS. — No, no!

AN HONOURABLE MEMBER. — I must press my motion, that this debate be adjourned till this day.

Question put, and House divided: —

Ayes	. . . .	26
Noes	. . . .	58
	Majority	32

The original question again stated.

Mr. H. FITZROY. — I move that the House do now adjourn.

Upon the question being put, —

Mr. J. YOUNG (Cavan) said: — I

think, after examining the witness, and arriving at this stage, we should not act justly by either party to adjourn without coming to some decision in this case. At the same time, I feel bound to say that, in my opinion, nothing has been stated which can justify the House in granting an extension of time in this case. The evidence of the witness did not, in any way, show the absence of gross and reprehensible negligence; and, on this ground alone, I say, the petitioner has no title to the indulgence of the House.

Mr. MACLEAN. — I would suggest to my Honourable Friend, that we are here acting in a judicial capacity; and if we postpone the case till to-morrow, Honourable Members then may be present who are not now in the House, and be forced into a division without knowing the facts of the case, not having heard the evidence. I hope, then, my Honourable Friend will see that we shall act with greater consistency and justice by coming to a decison now, than by deferring it till a future occasion.

Mr. FITZROY. — I hope I shall never differ from the general feeling of my Honourable Friends near me. I am therefore perfectly willing, at their suggestion, to withdraw my motion of adjournment.

Motion was then, by leave, withdrawn.

Mr. COURTENAY. — I will not offer any remarks as to the question of fraud, further than these: I think the witness has explained to the House that there was none; but, having a decided opinion as to the intention of the Grenville Act, I will, as a lawyer, state what it is to the House. I consider that the statement that has been made does not bring the case within the operation of that clause of the Act of Parliament which, under certian circumstances, authorises this House to grant indulgences to petitioners. The Act says, you are to exercise the jurisdiction in those cases only where sufficient grounds are stated, and confirmed upon oath, to the satisfaction of the House. On this the power of the House depends; and what construction would be put upon this clause by the judges in a court of law? They would say, that the intention of the Act was, that certain circumstances should be proved — not neglect — but that circumstances, over which the parties had no control, had intervened, and prevented their acting up to the rules laid down by the Act. The fact, that the statement must be confirmed on oath, is sufficient to prove to the House that something more than neglect was contemplated by the framers of the Grenville Act. But, in this case, the witness has proved nothing that would justify the House in granting indulgence. He has proved only that which needs no proof — his own negligence. I assure the House, that I would not have obtruded any observations upon the subject, if I had not felt that this case does not come within the provision of the Act of Parliament which authorises the House to grant relief.

Several Honourable Members. — Divide, divide!

The House then divided: —

Ayes . . .	55
Noes . . .	20
	35

SLIGO COUNTY ELECTION.

The House resumed the consideration of Mr. Speaker's Report upon the recognisances in the case of the petition of Daniel Jones, complaining of the Sligo county election. — Order for consideration of petition on Thursday, 29th of March, read, and discharged.

PORTARLINGTON ELECTION.

Upon the motion of an Honourable Member, the House resumed the consideration of Mr. Speaker's Report on the recognisances in the case of the Portarlington election petition; petition of Mr. Potter (presented yesterday) read.

Motion made, and question put, "That Mr. Potter be called to the bar."

Mr. KEMBLE. — It is now a quarter past two o'clock, and I would appeal to the House whether a case of this description can be properly considered at this late hour?

Mr. WOULFE. — The facts in the Portarlington case are precisely the same as in the last.

Several Honourable Members. — No!

Mr. WOULFE. — The House is not called on to go into a new discussion: the case ought to be decided by the last division.

Several HONOURABLE MEMBERS. — No, no!

The SPEAKER. — For the sake of form, and the maintenance of precedent, it is essential that the witnesses in the Portarlington case should be called in and examined. How far that examination shall extend, will depend on the pleasure of the House.

COLONEL PERCEVAL. — I trust that in the case just decided, with reference to the Sligo petition, the House will extend to me the same indulgence that has been granted to the petitioners, namely, that I may be allowed time till the petitioners complete their recognisances before I hand in the qualification which I hold in my hand. If this is not agreed to, I must, of course, hand in the qualification.

The CHANCELLOR of the EXCHEQUER. — I am quite sure that the House will not place the Honourable Gentleman in a more disadvantageous situation than that to which he would have been exposed if a prolonged time had not been granted to the petitioners to complete their recognisances. With respect, however, to the proposition before the House, I should say, that if the Portarlington case is the same, or ruled by the same principle, as that upon which the House has just decided, we might come to a decision at once; but if any Honourable Gentleman opposite is of opinion that it is not so, then I do not think that we should be justified in going into the question at this late hour.

Mr. KEMBLE. — My opinion is, that we cannot now proceed with this case. If witnesses are again called to the bar, it will be impossible to say to what length the examination may be extended.

Mr. ORMSBY GORE. — I beg to say that I know that some Honourable Members on this side intend to examine the witnesses at length.

Mr. MACLEAN. — There is, I think, one other consideration which should weigh with the House, namely, the absence of the sitting Member for Portarlington, against whom the petition has been presented. I think the House cannot but agree with me, that it would be most unfair to proceed with the examination in the absence of the Honourable Member.

Mr. WARBURTON. — I have examined a paper which has been put into my hands, containing a statement of this case, and having compared it with the evidence which has been adduced at the bar, I think I can undertake to pledge myself that the two cases are exactly similar.

Mr. MAULE. — The House has evidence in both cases before it, as both cases are exactly similar; and the former having been decided, we are in a condition also to decide in the present.

Mr. TALFOURD. — After the statement which has been made by the Honourable Member for Oxford (Mr. Maclean) I think the House cannot proceed further in this matter. I quite agree with that Honourable Gentleman, that it would be most unfair to proceed with the examination in the absence of the Honourable Member most interested. I would recommend, therefore, that this debate be adjourned till this day.

SLIGO COUNTY ELECTION.

Mr. ORMSBY GORE. — I will now move that the time for Colonel Perceval to deliver in a particular of his qualification be enlarged till Tuesday, the 2d day of January next.

Upon the question being put, —

The SOLICITOR GENERAL said: — If it should afterwards appear that the Act of Parliament does not sanction such a proceeding, we shall create confusion by acquiescing in this motion. I have otherwise no objection.

The CHANCELLOR of the EXCHEQUER. — I rather think the matter does not depend upon the Act of Parliament, but upon the rule of the House. I am sure that every indulgence will be extended to the Honourable and Gallant Member; but in order to guard against the possibility of after inconvenience, it might perhaps be better that notice should be given.

COLONEL PERCEVAL. — I want only to guard myself against any advantage that might be taken in the event of the petition being declared frivolous and vexatious, and I trust that the House will not place me in such a situation as no sitting Member was ever placed in before, and from which I may not be able to recover myself.

Mr. WOULFE. — I must decidedly object to this motion. The question is not as to any qualification the Honourable Gentleman may have at present, but he must stand or fall by the qualification which he had at the period of the election, and when he took his seat. He cannot give in a new qualification.

COLONEL PERCEVAL. — I never thought of taking such an advantage as has been hinted at by the Honourable and Learned Attorney General for Ireland. I assure him that I have no qualification to give in which I have not been possessed of for thirty years. I do not, however, choose, unless the House compel me, to subject my qualification to the scrutiny of those persons who have petitioned against me, whom I know to be paupers, and to some of whom I have often given sixpence in the streets of Sligo, until they have completed their recognisances.

The SOLICITOR GENERAL. — I think this question ought to be adjourned. I fear that by deciding hastily, we may do that which afterwards may turn out to be wrong.

COLONEL PERCEVAL. — I have no objection to the debate being adjourned, provided that I am not prejudiced by such a course.

Mr. ORMSBY GORE. — The object of my Honourable and Gallant Friend is, that he may be placed in the same situation as he would have been in had no extention of time for putting in the sureties been granted. I will now move that this debate be adjourned till this day.

Debate adjourned till this day.

LIMERICK ELECTION.

House resumed the consideration of Mr. SPEAKER's Report on the recognisances in the case of the Limerick election petition.

Motion made, and question proposed, "That Edward Hallows Plumptre be called to the bar."

Mr. FRESHFIELD. — The debate on the Portarlington case having been adjourned, it would not be proper, now, to go into the Limerick case. I move, therefore, that the debate be adjourned.

Debate adjourned, accordingly, till this day.

LAW OF LANDLORD AND TENANT.

Mr. AGLIONBY. — I beg to say that I will postpone the motion of which I have given notice respecting the law of landlord and tenant till after the recess.

PRISONERS (IRELAND) BILL.

Read a third time, and passed.

PRESBYTERIANS' OATHS (IRELAND) BILL.

Considered in Committee; to be reported this day.

DUCHESS OF KENT'S ANNUITY BILL.

Committee deferred till this day.

MUNICIPAL CORPORATIONS (IRELAND) BILL.—POOR RELIEF (IRELAND) BILL.

Second reading deferred till this day.

JURIES AT SESSIONS BILL.

Committee deferred till this day.

Adjourned at half after two o'clock.

HOUSE OF LORDS, MERCURII, 20° DIE DECEMBRII, 1837.

APPEALS.

Fleming *v.* Dunlop.—Appeal presented, and Respondent ordered to answer in four weeks.

Haig *v.* Sir W. J. Homan, Bart.—Appeal presented, and Respondent ordered to answer in five weeks.

EARL OF CLANCARTY'S CLAIM TO VOTE FOR REPRESENTATIVE PEERS FOR IRELAND.

Committee for Privileges to meet to-morrow, at half-past three o'clock.

WARDEN AND FELLOWS OF ALL SOULS COLLEGE, OXFORD.

Petition of, for a Private Bill, read, and referred to two English Judges.

APPEAL COMMITTEE.

Second Report from; read, and agreed to, and ordered accordingly.

The LORD BISHOP of ST. ASAPH took the oaths.

The EARL of SHAFTESBURY sat Speaker.

House adjourned during pleasure, and resumed by the LORD CHANCELLOR.

HOUSES OF PARLIAMENT BILL.

On the motion of VISCOUNT DUNCANNON, this Bill was read a second time, and committed to a committee of the whole House to-morrow, and the Lords summoned.

CIVIL LIST BILL.

VISCOUNT MELBOURNE.—I have to acquaint the House, that her Majesty, having been informed of the contents of the Civil List Bill, and being desirous, at all times, to give the strongest proofs of her attention and regard to the ease and welfare of her people, has commanded me to acquaint your Lordships, that her Majesty has been pleased to give her consent that your Lordships may proceed upon the said Bill in such manner as you shall think fit.

The message having been read,—

VISCOUNT MELBOURNE said:—I now beg leave to move that an humble address be presented to her Majesty, "To return our most grateful thanks to her Majesty, for graciously acquainting us with her Royal consent that this House may proceed upon the said Bill, as now framed, in such manner as they shall think fit; to assure her Majesty that this early attention to the ease and welfare of the people, expressed in a manner so gracious, and founded on principles so generous, must strengthen in the mind of every British subject the most loyal and ardent affection towards her Majesty; and that this House begs leave most humbly to express their entire conviction, that the same considerations which have led her Majesty to make this most gracious communication, will invariably direct her in the promotion of the happiness and prosperity of an affectionate and loyal people."

Address agreed to.—To be presented to her Majesty by the Lords, with white staves.

VISCOUNT MELBOURNE.—I now rise for the purpose of moving the second reading of the Bill to provide for the better support of her Majesty, and for the due maintenance of the dignity of the crown, according to the notice which I gave to your Lordships yesterday. With respect to the settlement of her Majesty's Civil List, the same course has been pursued as that which was adopted at the commencement of the late reign. In the House of Commons a committee has been appointed, with powers similar to those which were given on the former occasion. That committee has sat, has made its

Report, and on that Report has been framed this Bill which has been sent up to your Lordships, and to which I have to request your Lordships' attention. My Lords, this Bill, as I said before, follows exactly the precedent of the Civil List Act of the last reign. That Civil List Act not only proceeded on, but carried much further, a principle which had been already adopted in the constitution, and which, in fact, is a right constitutional principle, inasmuch as it gives the greatest possible amount of benefit and advantage both to the Crown and the people. Your Lordships know very well what this principle is — that it is the entire separation of the whole of the charges which belong to the civil government of the country from those which appertain to the personal dignity and convenience of the Sovereign. On the former occasion, to which I have referred, many Noble Lords in this House — censured I will not say, for that, perhaps, is too strong a word, but—expressed great doubts as to the prudence, wisdom, and propriety of acting on that principle. Though, however, there might be reason, then, for questioning its prudence, wisdom, and propriety, your Lordships, having the precedent before you, would not think it either prudent, or wise, or proper, not to follow it on the present occasion.

I beg your Lordships' attention, for a certain portion of time, while I attempt to show the progress of the principle on which this Bill is founded. That it is a wise principle, in my opinion, cannot now be questioned, experience showing that it sacrifices none of the real dignity, comfort, and power of the Crown, while it tends, in a great measure, to the satisfaction and to the advantage of the country. My Lords, the ancient revenues of the Sovereign of this country, before the Restoration, — not, probably, from contrivance, not from arrangement, but as having grown up from the state of affairs, having, in fact, grown up with the growth of society in this country, — I say the ancient revenues of this kingdom were partly territorial, partly feudal, and partly, I apprehend, arising from the personal property of the Crown. But that revenue, so composed, was entirely the property of the Crown, out of which the Crown was bound to provide for the civil and military service of the country; and it was only on extraordinary occasions, when the Monarch had not been improvident, that when he was desirous of making aggressions on his neighbours, or when the country was threatened with danger or difficulties, he came to Parliament; and he then did so for the pupose of obtaining parliamentary grants. Now, my Lords, whatever were the advantages of this system, it is impossible not to see, *à priori*, that there never was one worse calculated to secure constitutional liberty in this country. Under such a system there was no security for that without which there can be no constitutional freedom — namely, the free, the regular, the periodical meeting of those representative bodies by whose active and vigilant superintendence alone constitutional freedom can be preserved. Your Lordships know very well that there were, indeed, plenty of Acts of Parliament directing that Parliament should meet once in every year; but, my Lords, what are Acts of Parliament without the means of enforcing them? Your Lordships are aware that even now merely preceptive and declaratory Acts are not apt to be very strictly observed, and, if inquiries were not occasionally made, if vigilance were not exercised, would be of no value whatever.

In ancient times, as I have before stated, the only security for the meeting of Parliament was in the improvidence of the Monarch, in his desire to make war on his neighbours, or in the dangers and difficulties of the country. Fortunately for the liberties of the country, these securities, though very imperfect, were found sufficient to maintain its constitutional rights. But what would have been their fate if there had been one or two prudent monarchs, who had kept within their incomes, as, for example, Henry VII., who called only two Parliaments in his whole reign of, I believe, twenty years, and established such a tyranny as, undoubtedly, had never been known in this country before; — a tyranny that required protracted efforts, torrents of blood, and years of contests, in order to vindicate those principles and those rights which, from the disuse of Parliaments, appeared to have fallen almost into oblivion? This state of things continued, with more or less alteration, until the restoration of Charles II. At that period the increasing liberality of the times, the anxiety to obtain popularity, and, I believe, what had taken place during the fifteen previous years, which had, to a certain degree, shaken the power of levying those rights on which the revenue of the Crown greatly depended, — those various considerations induced the Crown to give up its great feudal rights—its lordship rights, even as to the property of the country—its rights of preemption, and many others; and to accept from the people, in place of is the least evil of the two. There is no possible security against abuses which so easily and so naturally creep into an arrangement of this nature,—there is no other mode of guarding against this, except that it should be known what the pensions are, to whom granted, and upon what grounds and for what reasons such grants were made. The last head in this schedule is 8040*l.* unappropriated. This is proposed to be given in order to meet any of those unforeseen demands which, under all the circumstances, it is impossible for any one to know will not arise, and which sum, considering that her Majesty is about to give up what, in addition to that which was given up by her royal uncle and preceding Sovereigns, would have amounted to about 70,000*l.*,—I do not think unreasonable or exorbitant; indeed, I am sure, from practical knowledge and experience, it is highly expedient that such a fund should be placed at her Majesty's disposal.

This is the general scheme for the Civil List of her Majesty which is proposed to the House. I do not know that there is anything else material to call the attention of your Lordships to, except that there is this difference between the present and other Bills,—that by other measures the Civil List has expired at the death of the Sovereign, whereas it is proposed by the present Bill that it should continue for six months after the demise of the Sovereign. The object is, that those duties which constituted a portion of the revenues of the Crown, but for which a substitute is given in the Civil List Act, should not become chargeable, as they have, on former occasions. Hitherto, on the demise of the Crown there has been a necessity for taking a most laborious account of all those revenues which become collectable; this occasions great inconvenience to the parties whose business it is to take the account, and great alarm to those who are liable for the payment. For instance, there is a clause in this Act relating to the duties on beer and cider. Your Lordships may remember that in the reign of George IV. the duties on those articles were repealed; but there were taxes on beer and cider, given either by an Act of Charles II., or by one of those other Acts which provide a revenue for the Crown; and on the Civil List Act expiring, which repealed the duties, the former Act to which I have alluded coming again into effect, it has become necessary for the excise to begin gauging the stock of the brewers of cider and beer. These individuals have conceived that the Government were about to levy duties on them which they imagined had been repealed; and the result has been that a great deal of unnecessary trouble has been given and alarm excited. To avoid this we propose that the Act shall continue in operation for six months after the demise of the Crown, taking, as the analogy, the continued sitting of Parliament after that event. We thus provide for the repeal of the duties on beer and cider during the continuance of this Act, and before it expires Parliament will have the opportunity of passing another Act with the same object. My Lords, this is a general statement of the Bill which I have the honour to lay before your Lordships, and which I now ask your Lordships to read a second time. I call on your Lordships to do so, not on the ground of any particular feelings you may entertain of duty, liberality, or affection towards the illustrious personage for whom the measure is intended to provide—I call on you, not on that ground, however deep those feelings of duty, liberality, and affection may be,—but as a branch of the British Legislature interested in the preservation of the laws and institutions of the country—I call on your Lordships, in asking you to support this Bill, to show your determination to support the hereditary monarchy of England—to support that hereditary monarchy which has been so long established. I will not enter into any frivolous disputes as to whether it is the wisest and best form of government that ever was put in motion in any country; but this I will say, that, in my opinion, it would be the height of insanity and the worst of criminality now to attempt to alter it. I call, then, on your Lordships to affirm this Bill in support of the hereditary monarchy, and of the rights, liberties, laws, and prosperity of the country.

LORD BROUGHAM.—Although I do not rise with the desire of opposing my Noble Friend's (Lord Melbourne's) motion, so as to take the sense of the House upon it, I am, nevertheless, desirous of calling the attention of your Lordships to the manner in which this Bill has been framed, and has passed through the other House of Parliament, with the view of ascertaining how far a due consideration has been given to so important a subject, and of seeing whether there do not exist, at this hour, substantial reasons for adopting a course different from the one that has been pursued. Against the concluding remarks of my Noble Friend, I will neither waste your Lordships' time, nor degrade myself, by making any defence. I am sure he did not mean to throw out anything against me, personally, or against those who may agree with me; as if, by taking a different view of this measure, we showed ourselves less attached than himself to the established constitution of the country; and were, to use his own expression, "insane" enough to put in hazard the benefits which it bestows, by seeking after some other untried form of government. There is no question of the kind raised by the present discussion; all are agreed that a limited monarchy, such as ours, is better adapted to the present state of society in this country, and the existing circumstances of the European world, — more calculated to secure the great end of all government, the happiness of the people, — than those commonwealths which have been established in other regions, where they are greatly preferred even to our Constitution, as being better suited to the wants and opinions of the community. Thus much my Noble Friend's somewhat needless observations have made it necessary to say, lest any one should fancy that they conveyed, against those who disapprove of the present scheme, an insinuation of fondness for revolutionary doctrines, or a disposition to seek changes of a sweeping and dangerous kind.

I will now come to the matter before us, from which I have been drawn aside; and I begin by assuming that your Lordships are consulted upon the present occasion, with the intention of really asking your opinion, and not as a mere form and empty ceremony; that you are appealed to as a deliberative body; that you are called upon to exercise your judgment; and that you have the duty laid upon you of exercising your unquestionable right to give the whole subject a full consideration. Now I am under the necessity of declaring, both that I can discover no sufficient reason for adopting the principle of this Bill, and making, prospectively, an arrangement of the Civil List, which may last, as we all hope it will, fifty or sixty years; and that, even if the principle were a sound one, and it were fit to make such an arrangement, we have not before us the information which might have been communicated, to which we were clearly entitled, and without which it is utterly impossible to deny that we must, upon every view of the matter, be legislating in the dark. Nor has my Noble Friend urged a single argument to the contrary. I agree in all the argumentative part of his speech; I dispute not one of his historical details: but neither his reasonings nor his facts have any bearing upon the question before us. Thus, I nowise doubt, nor do I believe any one can be found who will doubt, that a very beneficial change was effected at the Restoration, when the Monarch, instead of bearing the whole expense of the government, and enjoying the feudal and other hereditary revenues of the Crown, gave up these to the country, and received, as an equivalent, an income out of the taxes. No one has ever doubted, for these last 150 years, that this was an improvement upon the former usage; and I cannot help thinking that my Noble Friend gave himself an unnecessary trouble, when he laboured to dissuade your Lordships from recurring to the ancient feudal method of supporting the monarchy. So, too, of the change in our financial arrangements, introduced after the Revolution, and which led to the necessity of Parliament being regularly held every year, so that the whole business of the government must be transacted there. That this, like the former, was a great improvement, I take for granted nobody will be inclined to dispute. Then, again, as to the third of those changes, dwelt upon by the Noble Viscount, the plan of separating the expense of the royal household, from the other charges of the civil government, first adopted at the accession of his late Majesty, — I am not aware that there exists, in any quarter, the least disposition to deny that this, too, was an improvement upon the old method of mixing the whole expenses together, and classing them all, how various soever their nature might be, under the name of Civil List; a method equally inconvenient, and indeed detrimental both to the Crown and country. Upon all these points, I must profess my entire acquiescence in every thing that has fallen from my Noble Friend; and to these points his speech was wholly confined; but the matter in dispute between us, namely, the proposed arrangement, is left altogether untouched by him. I have heard not one word in support of the sums allotted by the Bill; nor in answer to the demand of information upon the amount of the royal income; nor in defence of the proposal to grant a Civil List for the Sovereign's life; and, in the absence of all explanation, and of all reply to what I urged nearly a week ago, — with no one fact stated, no one argument adduced in support of the measure in any point, — I remain of the opinion which I then expressed, and which all the attention I have since devoted to the subject has only confirmed, that it is a most unwise, unbecoming, unstatesmanlike course of proceeding, to legislate upon such a subject prospectively for a period of perhaps half a century or more.

What man can foresee, — what being, with our limited understanding, can pretend to foresee, — what audacity, let me ask, can inspire any one to foretel anything, however trifling, touching the state of affairs forty, thirty, ay, even ten years hence? Yet here are we, about to lay down a rule, by which the expenditure of the Sovereign is to be governed, and the contributions of the people towards it fixed, as long as the reign shall endure. We are to ascertain, at this moment, for all that period of time, how much of each article that enters into the Royal expenses shall be required for duly supporting the dignity and splendour of the Crown; and how much each article shall cost in monies numbered, we being, of necessity, in the dark — absolutely in the dark — as to any one of the circumstances in which this prospective arrangement must be carried into execution. Utterly ignorant of all that must determine whether too much or too little, or only enough, has been allotted, — not pretending to know, or even to have the power of guessing at any portion of the details which must decide this great matter from time to time. Here are we taking upon ourselves to form an estimate, wholly depending on these unknown details; and, by that estimate, fixing a Civil List for ages to come! In 1837, we are deciding what shall be a proper court establishment, in all its branches, for the Sovereign of England, in the year 1880 or 1890. Am I to be told that we can now have the means of divining anything about a court in those distant days? But are we in a condition to fix, in all its details, what that court shall be in an age to which the eye of fancy alone can pierce, so as to give objects their weight, and form, and colouring? Yet this is what we are about doing; we are acting as if we could tell what, in an unknown age, — an age of which we can know nothing, except that we do not even know how far distant it may be, — what shall be required for the comfort of the Monarch, —what the establishment shall be which the unknown habits of that uncertain time may render necessary, and no more than necessary, for the dignity of the Crown, — what shall be the cost of that establishment, decorous and needful, nor more than decorous and needful. And on such conjectures as these, or rather giving up all attempts at conjecture as utterly hopeless, and blind as to the future, and shutting our eyes with our own hands as to what we are about, we sit down to legislate as though men were not subject to change, as though time made no alteration in human affairs, or as though courtly state and circumstances, alone, were exempt from its inroads! What must be the inevitable consequence? In a little while, — to take only the most obvious possibility, — money may fall in value, and prices rise; then will come down the Minister of the day, and remind us of the regard which is due to the maintenance of the Royal dignity, perhaps deprecating that "niggardliness of Parliament" to which my Noble Friend alluded in his retrospect.

VISCOUNT MELBOURNE. — I did not allude to the niggardliness of Parliament; my reference was to Parliament before the period of the Revolution.

LORD BROUGHAM. — I understood my Noble Friend to have made the allusion generally, and in connection with a later period; although, certainly, whatever might be said of the period before 1688, I am not aware of any ground for charging with niggardliness the Parliaments which have sat since that time. But I was about to say, that no sooner shall any change in prices take place, than down will come the Minister of the Crown, armed with a gracious message, and feelingly represent the necessity of providing additional income to meet the increased expenditure; and if the country should complain, pleading the bargain made by Parliament at the commencement of the reign, — if the people should presume to say, "It was contracted and agreed to in 1837, that during your Majesty's life a fixed yearly sum should be paid, without any deduction on account of prices falling, or any reference whatever to any other benefit which you might receive from change of times; and therefore, although the change has turned out to be in our favour, or at least against you, you must keep by the bargain, as we should have been obliged to do had the event been the other way;" — what will be the answer instantly given to such a remonstrance? Why, that were Parliament to listen to such things, it would be niggardly, unmindful of the dignity of the Crown, indifferent about the decent support of the Royal Family, disposed to leave the necessary expenses of the Monarch unprovided for; and the result would be, if there is any trust due to experience — if from the past we may now reason to the future — that the country will be overcome in the contest; give way, as it always has done, open the contract, make an entirely new arrangement in compliance with the new demand, and in accordance with the novel circumstances, and suffer no one to set up against it the final and conclusive nature, which is now, as it always has been before, ascribed to the proposed arrangement. All this happened again and again in the reign of George III.; and if it did not take place also in the reigns of George IV. and William IV., this was, in all probability, owing to the short duration of their reigns; the former Prince having only lived ten years after his Civil List was settled in 1820, and the latter, unhappily, not much more than six years after the arrangement of 1830.

But, it is said, that any departure from the course recommended of a contract for the Sovereign's life is wholly without precedent. Be it so: there is nothing in the plan I propose, of voting a Civil List for a limited time, more unprecedented now, than those far greater changes which my Noble Friend eulogised so lavishly. I recommend no departure from former usage, nearly so wide as the change which he justly described as most beneficial to all parties, at the Restoration, when the feudal revenues were commuted for a fixed sum, and the expense of the government defrayed by the country. I recommend nothing like so great a change as that which my Noble Friend most justly praised, the entirely new manner of transacting all financial, and, indeed, all parliamentary business, introduced in the reign of King William. The change I recommend, approaches more nearly the one to which he and I were ourselves parties, in 1830, and which though objected to at the time by some, appears now to have gained general approbation, since I hear not a word said against it, nor anything urged to show, from the experience of those six or seven years, that we should return to the former practice upon the present occasion. But when men speak of the precedents, and refer to the former Civil List arrangements as always having been for life, they ought to be sure that the circumstances are the same. Can anything be more different than those of the present, and the two last Civil Lists? The late King ascended the throne at the age of sixty-eight. George IV. was sixty at his accession. The present Sovereign is eighteen. So that we must go back to George III. before we can find anything like a parallel case. But I confidently appeal to your Lordships, if there be any real similarity between the circumstances of the country now and in 1760? Instead of a public debt of less than a hundred millions, we have one approaching to a thousand; the expense of the peace establishment has risen from five millions to two and twenty; and the revenue extracted from the people is no longer under ten millions, but above fifty; cramping their industry in every direction in which it is possible for taxation to be felt. In every particular, the case of 1760 offers a contrast, rather than a parallel, to the present. But, even if we were now in 1760, and had to make the arrangement for a Sovereign in the prime of life,—with the experience of that arrangement, and our knowledge of the manner in which the plan worked, I ask, should we be tempted to repeat the experiment? What happened after the settlement of 1760? The Legislature said, then, as the Legislature says now, that they were making, for the life of the Sovereign, a conclusive, unalterable arrangement with him. They told the people, as the people are now told, that the Sovereign was to have, by the year, so much, and no more, than was fixed, all the days of his life, happen what might, as to prices, one way or the other; and men flattered themselves, that at least, with the reigning Monarch, a final settlement had been made. What followed this perpetual bargain? In less than ten years—I believe in the ninth year—after its date, a message comes from the Throne, setting forth that, in consequence of the change of times, the income settled had proved insufficient, a debt of above half a million had been contracted, and an appeal to the liberality of Parliament had become unavoidable. In short, the arrangement was found inapplicable to the altered circumstances of the court or the country, and the debt was paid of course. Well, in nine years more, at the most disastrous period of the American war, the year when France took part against us, it was discovered that a second series of changes had taken place; another load of debt, but larger in amount, had been incurred; another message was sent down, the final and binding contract of 1760 was a second time opened for the benefit of the same party—the Crown, to the detriment again of the other party—the country; the new debt of above 600,000*l*. was paid off as before, and a new income settled on the Monarch. In the subse-years, deficiencies were again and again supplied by payments, though to a smaller amount. New arrangements were made under Mr. Burke's Bill, and afterwards in the early period of the Regency. All the changes thus freely made in the contract were for the advantage of the same party; while, as often as the other party claimed any relief from its provisions, the constant answer was, "The bargain cannot be touched; it is made for the King's life." And yet, in the face of all experience, and in disregard of all the dictates of reason and of common sense, we are going to commit the same mistakes that were committed in 1760; and, being now as completely in the dark as those before us were then, we are about to make a compact which is to bind the country for half a century, and to bind the Crown only while it proves a benefit.

But if, at some future time, Parliament should be charged with having made an improvident bargain for the country, let it not be said that they received no warning in their course. Let it not be said that no warning was given in the House of Lords, nor any attempt made to arrest such imprudence. And let this be borne in mind, that notice was in this place fairly and explicitly given of the consequences which may be looked for in a few years. And what are those consequences? If the arrangement now made shall turn out to be unfavourable for the Crown; if prices rise; if from an altered state of society, or from any other cause, an increased splendour is deemed necessary to the royal dignity, little will it avail the people to plead the final character of the settlement of 1837. That character will go for as little as it has done in former cases of the same kind; it will go for absolutely nothing. But if it shall be found that money goes further than it does in the present day — if the quantity of the precious metals is increased — if in the progress of manufacturing industry the great staples of luxurious expenditure become cheaper — or if the necessaries of life themselves are more abundant from improvements in agriculture — if, and I trust your Lordships will suffer me to contemplate such a possibility, if it shall be found that, do what you will, you can no longer hold by the Corn Laws; if it should happen that the people of this country, among whom, of course, your Lordships are to be included, will no longer allow those Corn Laws to oppress them, will no longer submit to buy wheat or eat bread at the rate of 62*s*. by the quarter on this side of the channel, when as good or better may be had for between 30*s*. and 40*s*. on the other side; if your Lordships should be compelled, whether you will or no — by the force of reason — to yield; if you should find yourselves unable any longer to resist the demands of the country, when backed by the strength of argument; if your assent to the repeal of those laws should be extorted by the hourly accumulating power of the resistance, which all sound principle offers to their continuance, and you should at length give way, unable any longer to maintain the struggle against your own conviction and your patriotic feelings, and should repeal the law which keeps up the price of bread, and of labour, and of every one article that labour is concerned in providing; if, from the combined effect of all these very possible changes, the altered value of money, improved manufacturing skill, increased agricultural produce, abrogated restrictions upon the corn trade, to say nothing of accumulated capital, all prices should fall a third or more, and every one thing which money can buy should become cheaper in that proportion, and the sum now bestowed as absolutely necessary for the Royal expenditure should thus be really worth so much more, and consequently should really be so much more than it now is, and, therefore, so much more than is required for that expenditure,—I ask any man, capable of reflection, candidly to answer this short and plain question, — what chance would there be of the Crown, or the Ministers of the Crown, or the Parliament itself, coming forward with a proposal to reduce by a third, ay, or by a thirtieth, the income now fixed, so as to give the country any benefit from the alteration produced upon its value by the course of events? Let any proposition, bearing upon the present settlement, be but hinted at, and what would be the instantaneous reply? The contract would at once be set up as being conclusive; and the argument so often used during George the Third's long reign would be again urged, that it was a bargain for the life of the Sovereign, not to be broken, or opened, or touched — a settlement conclusively binding upon the people — a bond which they never could shake off,—irrevocably their law, and absolutely their fate. In short, this is a bargain which, if the Crown finds it advantageous, must be adhered to through all times and all changes, with equal tenacity; but if any benefit should accrue to the country from keeping it, and the Crown should find its interest in breaking it, then it may be broken over and over again, just as often as is convenient for one of the parties; and for the protection of the other its value is that of waste paper.

But, my Lords, even if it were fitting and were prudent to follow once more this course, and pretend to fix the Civil List for the whole reign, I entreat your attention to the imperfect information which we have upon every matter the most necessary to be known before we can form any estimate of the income required. This much, I think, will at least be granted me, that the longer the duration of this arrangement is likely to be, the more it behoves us in common decency to know, at the least, all the facts which can at present be ascertained, and which bear upon the subject matter. But will it be believed that upon the most important part of the whole we are utterly in the dark? — that upon the amount of the income we are settling, we are all totally without information? Incredible as this may appear to be, it is yet strictly true. The whole question before us is, how much shall be bestowed upon the Sovereign for the due maintenance of the Royal dignity. But, in order to ascertain this, it is absolutely necessary to know how much the Sovereign has already, independently of our gift. The measure of our gift is to be the necessities of the Crown; more than is required for the state and splendour befitting a limited monarchy we have no right to grant — more than that, there is no one thoughtless enough to dream of. If the Crown had nothing wherewith to meet the expenses, we might be said to know what we are doing when we fix a certain sum to meet the demand; but as the Crown has other revenues, all that we are now about, is fixing a sum, which, in addition to these, shall be adequate for the Royal occasions. Well, then, the amount of these revenues we know nothing whatever about. No one is disposed to make a niggardly provision; all are agreed that the income which the exalted station makes necessary shall be given; but more than is necessary no one pretends to call for; and the question being, how much shall be added to a certain income, in order to make the sum total as much as is required, we are desired to answer that question without being told what the income is which is to be thus increased. We are only asked to do the impossible thing, of finding out how much must be added to an unknown quantity in order to make a given sum — nothing more nor less. It is no question whether 385,000*l.* shall be given or not, or rather, 395,000*l.* for the sum proposed is 10,000*l.* more —than was found enough for the two last Sovereigns: one of them no very rigid economist, and the other having heavy expenses which the country could not provide for, and yet it was found that his income, though 10,000*l.* less than is now proposed, exceeded by 20,000*l.* what was required:—but that is not the question we are upon, nor are we asked to consider whether any of these sums, 395,000*l.* for example, is sufficient to maintain the dignity of the present Sovereign;—but the question is this: — the Sovereign is possessed of an income with which this arrangement is not to interfere; by how much is that deficient? — how much must be added to that income in order to give the Sovereign a revenue such as her station requires? — and of that income we know nothing at all. It never surely can be contended that the revenues of the two duchies are private property, or anything like private property. I should like to hear such a proposition advanced in this age and in this House — I should like to see the man endued with the courage to maintain it — I should like to see the man among your Lordships, whether on the Ministerial or on the Opposition benches, gifted with the confidence which must be exhibited by him who would affirm that Cornwall and Lancaster are private and personal property, and not public funds, vested in the Sovereign only as such, enjoyed as Sovereign, and, in right of the Crown alone, held as public property, for the benefit of the State, and as a parcel of the national possessions. These revenues are just as much public property, bestowed by former laws upon the Monarch for public purposes, as the sum we are now adding to them, wholly in the dark as to their amount, is public property bestowed by this law. Now respecting the amount of these revenues we are utterly ignorant, as, indeed, we are of every one particular relating to them. The debate upon my motion to produce a return of the sums really received by the Crown from these sources comes on to-morrow, and to-night we are to fix what addition it is necessary to make, in order that the Crown may yearly have enough to defray its necessary expenses. To the produc- of this information, now, can there possibly be any objection? You ask for money to make up a deficiency, and you won't tell us what you have got already, by which, of course, the deficiency is to be ascertained. I heard, indeed, the other night, some difficulty raised, certainly not by the Government, as if there were oaths taken by the duchy officers which bound them to secrecy. My Noble Friend (Lord Holland) near me knows more of the obligations under which they are in the Lancaster department; but as to Cornwall, by far the most important in every respect, I know that there is not the least pretence for such a statement. The officers who take an oath of secrecy are the members of the duke's council, and no others; but the officers who alone know anything about the revenue take no oath of the kind, and from them it is that the councillors must obtain their information. They, the councillors, only swear to keep secret the duke's counsel; but supposing they are bound not to tell what the unsworn officers have told them, all we have to do is to pass by the sworn councillor, and seek for information from the unsworn officer. Indeed it so happens, that when there is no Duke of Cornwall, and the duchy is in the Crown, there is no council, and the affairs of the duchy are invested in commissioners, my Noble Friend (Lord Duncannon) the Lord Privy Seal, and others, who none of them take any oath at all, and yet they must be in possession of the information we want; for as their commission is to look after "the better management of the duchy," they must needs know its revenue before they can see to its improvement. However, there is not a pretence, nor even the shadow of a pretence, for this concealment; information has been communicated in courts of justice; bills have been filed to set aside duchy leases; the duchy has called upon its own officer, its Surveyor General, at the very head of the revenue department, to answer on his oath touching the affairs of that department; and the legal advisers of that officer have been furnished with information by the other officers, in order that they might use it in the conduct of his cause. The objection from a supposed oath is therefore wholly groundless; and I must add, that even if there were such an oath, unless there also were shown a clear legal warrant for taking it, no such obligation of secrecy could stand in the way of the high authority of Parliament, any more than it could prove an obstacle to the inquiry of the courts of the realm upon matters within their jurisdiction. We must, therefore, dismiss all consideration of oaths from our view, and then the question remains,—why we are left without the necessary information, and yet required to decide as if we had it before us?

I will now state a few particulars respecting the duchy of Cornwall, in order to show your Lordships how important the subject is, and how entirely we are mistaking our way in legislating hastily and partially on the present important occasion, instead of waiting till the facts are before us, and then making one general arrangement of the whole crown revenues, for the benefit alike of the Crown and the country. I think you may rely upon the accuracy of my information, as far as it goes; for I have taken pains to draw it from authentic sources, without, I do assure you, having asked any one to violate the obligation of his oath.

There are, belonging to the duchy, between thirty and forty manors in the county of Cornwall; ten having been sold to redeem the land-tax upon the whole estates. There is, beside the manorial rights, a considerable extent of demesne land; and independent of all surface property, there are very extensive and valuable mineral rights all over the county. This is exclusive of the possessions of the duchy, which are most valuable, in many of the other counties — Devon, Dorset, Somerset, Surrey, Norfolk, Herts, and as far as Lincolnshire. There may be, in all, upwards of a hundred parcels of property of various kinds, manorial and demesne, besides the mineral rights. I mention this to meet the doubt expressed by the Noble Baron opposite (Lord Ellenborough), whether a return of the fines received for the last seven years would be any test of their amount in future. It is clear, that in so many estates, the fines will be renewable at various times, and thus that an average may easily be obtained.

Now, the property to which I have adverted is let upon lease, for lives and for terms of years, and in either case upon a moderate rent; sometimes raised, indeed, but with large fines upon renewal. For the twenty-five years between 1783, the late Duke's majority, and 1808, the average rents were from 3000*l.* to 4000*l.*, the average fines from 5000*l.* to 6000*l.* a-year; but these were years of comparatively small receipt. During the minority, there had been received considerably more than 10,000*l.* a-year, for about 225,000*l.* was paid out of the net revenues for the Prince of Wales's expenses, and it was never pretended that this was anything like the net profit upon the whole estates. Between 1808 and 1813 there were received, in fines only, no less than 129,000*l.*, in the space of five years. For a renewal of the lease of that valuable but small piece of ground called Prince's Meadow, which adjoins Waterloo Bridge, on the Surrey side, no less a sum than 55,000*l.* was taken; and for a renewed lease to the corporation of the ground called Sutton Pool, at Plymouth, a sum of 12,000*l.* The term of years in each case was ninety-nine; but there was a rent reserved of 4000*l.* in the one, and 1000*l.* in the other, both to commence in 1841; so that, whatever may be the unknown amount of the present duchy income, we know that in three or four years it must, on these two parcels of the estates, be increased 5000*l.* a-year. But let us consider the fines: on these two parcels they amounted to 67,000*l.*, leaving of the whole sum of 129,000*l.* received, 62,000*l.* raised by fines upon the other leases renewed during these five years. Now, these other leases were not for years, but for lives, all of which will drop in about three years. They are almost all comprised in four leases of valuable mineral rights, which will enable the Crown to raise, almost immediately, a sum of at least what was paid at the last renewal, namely, 62,000*l.* But the Crown will inevitably be enabled to gain a very great deal more; for since 1810, the value of mining property has greatly increased, from the improvements in machinery, in the scientific knowledge and mechanical skill brought to bear upon the management of all underground property, and also from the general accumulation of capital. It would, therefore, by no means be too sanguine or too bold a calculation, to estimate the sum of money which the Crown, that is, the reigning Sovereign, may immediately after this Civil List is settled, obtain upon these four leases, at 80,000*l.*, 90,000*l.*, or even 100,000*l.* I have conferred with persons to whom the subject is familiar, persons themselves largely engaged in mining pursuits; and I will venture to affirm, that I speak within the mark very considerably when I put the least sum which can be expected to accrue from this source, at 80,000*l.* It is said, indeed, that the Sovereign may, instead of taking fines, raise the rents, which would only effect an increase of the royal income we are now settling blindfold. But what security have we that any such thing will be done? How can we know that the improvident mode of fines will not be again resorted to? All we know is, that every thing is left unprovided for by this Bill; that it depends upon the will of the Monarch, whether large sums of money shall be taken at once, and the duchy revenue impoverished for years; or whether the just and prudent course shall be adopted, of permanently raising the rents of the estates: and we also know that this Bill, so far from affording the least security against the bad, or for the good, plan of management, does not in any manner or way touch the subject, or so much as mention the duchy, from beginning to end. How, indeed, could the Bill make any provision respecting these things, when we see in what manner it has been, I will not say hurried, but carried through Parliament, in all its stages, and in both Houses? Not only has it been absolutely impossible that it should contain any settlement of this important affair, satisfactory to the people, and becoming the station of the Prince, but any settlement at all — nay, any reference to those ample revenues; nay, time has not been allowed, in the extremity of our despatch, for making a mere statement of their net amount. That was to have come to-morrow, and we are assembled on this unwonted day (Wednesday) to pass it, in order that no time may be lost, or rather given, to put us in possession of the necessary information. The income of 395,000*l.* a-year is to be given to the Sovereign, who may on any day raise a vast additional sum, by anticipating the rich revenues of the duchy; that is, of the future provision of the Duke of Cornwall, for whose support, as heir apparent, the Constitution has provided them. And here, my Lords, when I speak of the Sovereign, I must be understood only to adopt that expression for shortness' sake, meaning always the responsible Ministers of the Crown. Nothing can be more reprehensible than the constant introduction of the Sovereign's name, and the constant allusion to the Sovereign as an individual — of late so much in vogue amongst us. My Noble Whig Friends have carried this Tory practice to the utmost extent; the Ministers are hardly any more alluded to than if there existed no such persons; and yet the old doctrine of the Constitution, — the Whig doctrine, of which we have got so wide under Whig auspices, — used, in my younger days, to be, that of kings and queens we knew nothing in Parliament, but only of their servants and advisers. I therefore, if I might be permitted such an old-fashioned liberty, would venture to name the Minister of the time being; and remind your Lordships that there is nothing whatever to prevent him, whoever he may be, my Noble Friend, or the Noble Duke, or some one as yet not known amongst us, from taking fines to the amount I have mentioned, and advising the Sovereign to spend the whole in any way he chooses, and for any purposes however extravagant, or however unconstitutional. None of these parties are bound by anything in this Bill, from adding near 400,000*l.* to the fixed Royal income, — or by any pledge given upon passing it, — or by any promise made here or elsewhere, — or by any statement, or intimation, or by any hint or understanding; none of them are in any way bound to have the duchy revenues providently and honestly managed without anticipation; the Minister of the day may help the Sovereign of the day to such fines as will impoverish the duchy for half a century to come, and no one will have a right to say, it is against the faith of any treaty, in breach of any contract, in contravention of any understanding whatever. The four mineral leases, to which I have alluded as worth 80,000*l.* or 100,000*l.*, for converting future revenue into ready money, are not by any means all; there are other sources of as abundant supply to the royal purse. For instance, there is the Kennington estate, in the near neighbourhood of this House; it is duchy property, and the lease has actually expired. The fine for renewal was, I know, some years ago, assessed at 100,000*l.*, but the lessee declined to renew. That he would have given 80,000*l.* or 90,000*l.* there cannot be the least question; — but I make no kind of doubt that the duchy officers were well advised respecting the value, and that the full 100,000*l.* will, if wished for, be obtained. Upon these five parcels of property, then, now, and during the next two or three years, a sum of near 200,000*l.* may be obtained for the Sovereign, if the course hitherto pursued shall be persisted in, and the reigning Prince be advised to enrich himself at the expense of the duchy. No provision upon this branch of the revenue is made by the Bill; nor any information at all given to us upon the subject. Nothing, however, can be more clear, than that the present arrangement should not only be made with a full knowledge of that subject, but that the arrangement should comprehend the settlement of the duchies on a right footing, by the transfer of Cornwall as well as Lancaster to the public, and the placing their administration under the ordinary departments of the public service, making fair compensation to the Crown, or the Duke, for the surrender. What do your Lordships think is the charge of managing these duchies, as their affairs are now administered? Of Lancaster I am not able to form so accurate an estimate; but I know that the gross revenues of Cornwall for the years from 1810 to 1819 inclusive, amounted to 333,000*l.*; and what, think you, was the net revenue—for the proportion of the net to the gross is the test of good management? Why, only 228,000*l.*, — so that 1*l.* in every 3*l.* was taken — absorbed —for the cost of collecting and managing the whole. Match me that, if you can, in the worst managed estate in any part of the United Kingdom! Show me the man who submits to 1*l.* being retained in the country, or lost by the way, for every 2*l.* that are paid into his account at the banker's! Another striking instance of mismanagement is afforded by the encroachments which are made everywhere upon the duchy domains. What think you of an estate of forty-five acres, having, within the period of two or three generations, extended to 200 acres of good arable land, without any miracle, or any fresh grant, without any gain from the sea by embankment, or the deposit of any alluvial soil? The extension was effected by the address and industry of one party, the proprietor, and the carelessness of the other party, the duchy authorities. When asked by one who recollected the old bounds of the farm, how all this increase had been effected, the party now in quiet possession of the extended domain, answered, innocently enough, in his Cornish dialect, "That it was all owing to his grandfather being a careful màn, and good at hedging by candle-light." Such care, and such skill, never could have succeeded in adding one acre to the possession, had the neighbouring property belonged to a private individual, or been under the management of my Noble Friend (Lord Duncannon), at the head of the Woods and Forests. A course of encroachment which increases men's estates tenfold, within living memory, at the expense of the public, never could last six months, after the affairs of the duchy were brought under the superintendence of that vigilant department.

But the other encroachments of which I have been speaking are still more deserving of reprehension,—I mean those of the reigning Sovereign upon the duchy revenues, by fines and other means of anticipation. Your Lordships are aware that the eldest son of the Sovereign, who is always created Prince of Wales and Earl of Chester, is born Duke of Cornwall. For his support, and the maintenance of his state and dignity, as heir apparent to the crown, the revenues of the duchy are provided. While there is no duke, and during his minority, those revenues are vested in the Crown; and although it is very possible that, if well managed during the abeyance of the title, they might suffice for the purpose when a duke came into existence, this is altogether hopeless if the Sovereign be suffered to exhaust the sources of regular income by anticipation. What is the consequence? The nation settles what is supposed an adequate income on the reigning Sovereign; the duchy estates are appropriated to the support of the heir apparent; and the reigning Sovereign being allowed also to exhaust and pervert all the revenue of the duchy, the nation has afterwards to support the heir apparent also. I have, indeed, heard of a very different account of the matter being given in another place. It has come to my ears, irregularly enough I admit, that a Right Honourable Friend of mine (Chancellor of the Exchequer) has there painted things in far other colours. If I could at this moment, without greater irregularity still, address myself to him, aware that what I speak he is now hearing, I should add, that he confounded some present on the occasion I allude to, almost to suffocation, by affirming that the duchy revenues were for the Prince of Wales's support, and that therefore he never came to Parliament for any grant of money. Was ever yet witnessed such profound ignorance of financial history? Was ever yet displayed such astonishing unacquaintance with princely natures? The heir apparent live upon the reduced Cornish revenue! The Prince of Wales never come to Parliament for money! Why, within seven years of his birth, the expenses of the King's family were given as a reason for debts of half a million having been incurred, which the country immediately paid; and in nine years more, the same plea obtained a still larger sum, with an addition of 100,000*l.* a-year, to the final settlement of 1760! But grant, that on the Prince of Wales's coming *in esse*, and during his minority, there was no specific application made to Parliament on his behalf, — the instant he came of age a message was sent down, and a sum of 50,000*l.* a-year granted, over and above the revenues of the duchy, — those revenues which we are told preclude all occasion for an application to Parliament. From the hour that he became of an age to be capable of spending money, the public treasure was lavished in providing for his support, and in enormous sums from time to time to pay his debts. What, then, can be more wild than the pretence that the duchy revenues should be withheld from the public, because they are a provision for the heir apparent, unless it be the yet more extravagant inconsistency of pretending that you are keeping them for this purpose, and all the while suffering the reigning Sovereign to use them at pleasure, anticipating the income as often as money is wanted for any purpose, and reducing the amount to be afterward enjoyed by the prince?

I think, my Lords, that I have said enough to demonstrate the absurdity of proceeding in the present arrangement without having before us all those heads of information; the great impolicy of making a partial and perpetual settlement of the royal revenue; and the improvident, unstatesmanlike precipitancy with which we are hurrying through this measure, instead of laying on the present occasion, the foundation of a general and systematic plan which may comprehend all the branches of the Sovereign's income, and secure to all of them an efficient and beneficial administration for the future. But there is another part of the Bill upon which I feel it necessary to make one or two observations: I mean the project for new-modelling the Pension List, and enabling the Crown to grant so many pensions yearly as amount to 1200*l.* in the whole. This is a matter of great moment, and it is beset by no ordinary difficulties. That the power of rewarding merit, whether displayed in the immediate service of the State, or towards mankind at large, should exist somewhere, cannot be questioned. If that high and peculiarly delicate discretion is vested in the Sovereign, perhaps upon the whole the most unexceptionable arrangement, I yet am well aware of the abuse to which its exercise is liable. I have no fear of corruption, or of any gross abuse, so long as Parliament shall be informed of the grants made from time to time. It is rather the careless use of this patronage that I am apt to dread, arising from ignorance of the subject, and from indolently yielding to importunity. There must also be admitted to exist some risk of giving men of letters that habit of looking for court favour, so fatal to independence, and so often turned to a bad account in the monarchies of the Continent. Yet all this may be practised without any Pension List, practised in corners where the eye of scrutiny cannot pierce, or the finger of reprobation point, by the abuse of other ample funds vested in the Crown, should the disposition to corrupt learned men exist, and be met by a willingness on their part to stoop from their proud eminence, and degrade themselves into the servile creatures of a court. Then I must look at the other side of the picture, and that leaves me no room to doubt that the evils which beset the steps of genius demand relief; nay, that there must be the means provided of removing the actual obstruction to its career. I know so much of the struggles which are so often made by those great men — the lights of the world, born to exalt human nature, to stretch the views and the power of man by the conquests of science, and whose lowest title to our gratitude is, that their immortal labours polish, and multiply, and enrich all the arts of life. Following at an immeasurable distance, and, as it were, only with the eye, their bright path,—slaking my thirst at the sources which they have opened, or humbly bearing into darker regions the sacred light which their genius has kindled,—I know how often it has happened that their course has been impeded by craving wants; that they have been fain to quell within them the desire of original investigation, to tame down their lofty spirit, and quit the congenial pursuits that were leading them on to extend the empire of science, or giving them to enchant countless ages with the inspirations of their fancy, for the humbler occupations that minister to the wants of frail humanity. Aware of this,—having present to my mind such necessities as these, and the inevitable consequences of their not being relieved,—can I hesitate in agreeing to some provision being made for removing such obstructions, and enabling the greatest benefactors of mankind to prosecute their highest vocation?

But even this part of the arrangement is liable to the objection I have urged against all the rest. We are legislating precipitately, and without the requisite information. In what position is the question at this hour? A committee has been appointed by the other House to investigate the whole subject. Has its Report been approved? It has not even been considered. Has it been made? It is not yet drawn up. Has the committee agreed upon any Report? It has not examined a person, paper, or a record. Has it proceeded to business at all? It has not yet met. It is barely appointed; it is only called into existence, after a stormy birth, and many a struggle for life;—it is just alive, and no more. No man can divine what it may do when it comes to mature strength, and can act. No conjecture is offered of what may be the result of its labours, or so much as what course they shall take. And yet we are called upon to settle the Pension List upon a very hasty and crude suggestion thrown out in quite another committee. The committee appointed expressly to consider pensions has done nothing; all men are anxiously awaiting its proceedings. The committee on the Civil List having no particular commission to consider pensions, makes a Report as meagre and scanty as possible on the Civil List, and throws in a hurried and ill-considered remark upon a subject not belonging to its inquiry. We are desired to legislate irrevocably touching pensions upon this remark of the Civil List Committee, and not to wait for the Report of the Pension Committee. If we had been about making provision for the pensions, during a life of sixty, as in George IV.'s case, or of sixty-eight, as in William IV.'s,—even then such thoughtless haste would have been indecent. But we are providing for a life of eighteen; and such is the impatience, not only of a day's delay, but of all inquiry and all discussion, that in the absence of the information which a committee has been appointed expressly to obtain, we are to catch at and grasp a chance expression in another committee's Report; and, sitting on unwonted days, and assembling at unaccustomed hours, we hurry through the Bill which is to make law for half a century in breathless impatience, for fear that by the least delay we should postpone our decision until the materials for making it are before us. But if all this haste was necessary, and not an instant of time was to be lost, why, let me ask, were we not called together earlier in the season? In 1830, we met at the beginning of November instead of the end. In former years, when the war raged, we were assembled in September. I ask my Noble Friend at the head of the Colonies (Lord Glenelg), why did we not meet as early now? Would it not have been expedient to profit by the wisdom of Parliament, for adopting some definite course upon the great question that now agitates our principal settlement in America? Ought we not betimes to have resolved at least upon some principles of conduct, and steadily pursued them, instead of letting our precipitancy in one thing rival our slowness in another, and our vacillation of purpose where decision was required, maintain the strife with our pertinacity when the truest wisdom was to retrace our steps? Ought we not to have so early met the great council of the nation, as to give time for correcting, by the help of experience, the fatal errors of last May? If those who preceded us could aforetime meet in the autumn, that the work of slaughter might be done, ought not we to have been early convoked for the more blessed labours of conciliation and peace? Then there had been no occasion for that hurry which has marked every step in this measure, and must for ever sink its value to nothing in the eyes of all reflecting men. As many months and weeks would have been given as we have now had days and hours for considering all its provisions;

and the same wise foresight and deliberate prudence which presided over the whole settlement for supporting the Crown, would have preserved the brightest of the jewels that it still retains.

But I have done my duty,—I have unburthened my conscience, — I have relieved my own mind. It remains that I render my thanks to your Lordships, which I sincerely and respectfully do, for the patience with which you have had the kindness to hear so many things in which you disagree with me, and which are not listened to without uneasiness, any more than they can be delivered without pain. It has, indeed, been my irksome task to obstruct you in the course all seemed most anxious to pursue with little reflection and no delay, and to obstruct you by a recourse to principles now, I fear, out of date,—the principles of legislation sanctioned by the spirit of former precedent, and the analogy of constitutional law. This unwelcome office you have suffered me to perform, and my humble thanks are your due. Will you indulge me with your attention yet a moment, while I advert to the singular predicament in which the Sovereign is placed, for whose high estate the provision that we are making is destined? It is wholly unnecessary that I should profess those sentiments of dutiful attachment which bind all of us to the Illustrious House, called by the choice of the people to preside over the destinies of these realms. Nor does any one among you all rejoice more sincerely than I have done in the enthusiasm of affection which has burst from all her subjects, to greet the accession of the reigning Monarch. They have generously let expectation usurp the place of gratitude. They have taken counsel with hope, rather than experience. For as memory scatters her sweets with a cold and churlish hand, it has been found more pleasing to array the object of the general love in the attire of fancy; and as fervent a devotion has been kindled towards the yet untried Ruler, as could have glowed in her people's bosom after the longest and most glorious reign, in which she should have only lived and only governed for the country's good; by some chronic miracle, escaping all error and all failure, and only showering down blessings upon mankind. I heartily rejoice in this enthusiasm, and I do not complain of it as premature. I rejoice in it because it must prove delightful to the royal object of it. I rejoice still more because I know that it will stimulate the Queen to live for her country, in order to earn the affections which have already been bestowed, and justify the opinion which has been formed and is so fondly cherished upon trust. But most chiefly do I rejoice, because it extinguishes for ever all apprehensions of the English people's loyalty and trustworthiness; puts to shame all who would represent them as disaffected towards monarchical institutions; demonstrates the safety of entrusting them with an ample measure of political rights; and teaches to statesmen this great practical lesson, that the more we extirpate abuse from our system, the more searching we make our reforms, the more we endear the constitution to the people by making them feel its benefits, — the safer will be the just rights of the Monarch who is its head, and the stronger will be the allegiance of the subject who cheerfully obeys. So that, far from dreading the policy which would strengthen the people's hands, by confirming their liberties and extending their rights, we ought to pursue this course for the sake of the monarchy itself, which we shall thus better entitle to the people's affections, and render, because more beloved, more secure.

The Bill was then read a second time, and committed to a committee of the whole House to-morrow; and the Lords summoned.

MUNICIPAL OFFICERS' DECLARATION BILL.

On the motion of the MARQUESS of LANSDOWNE, this Bill was read a third time, and passed, with the amendments, and sent to the Commons.

RETURN.

Annual Account of the Commissioners of Westminster Bridge.—Delivered, and ordered to lie on the Table.

Adjourned.

HOUSE OF COMMONS.

The House met at four o'clock; and forty Members not being present, Mr. SPEAKER adjourned the House till to-morrow at four o'clock.

HOUSE OF LORDS, Jovis, 21° die Decembrii, 1837.

APPEALS.

Fleming *v.* Dunlop. — Leave for a recognisance to be entered into for the appellant.

Fleming *v.* Dunlop. — Petition of the respondent to dismiss appeal, as incompetent; read, and referred to the Appeal Committee.

Houlditch *v.* Wallace, *et al.* The Marquess of Donegall (one of the respondents) ordered to put in his answer peremptorily in a week.

EARL OF CLANCARTY'S CLAIM TO VOTE FOR REPRESENTATIVE PEERS FOR IRELAND.

Committee for Privileges met. His Lordship's patent produced by his agent, and read; and the committee resolved, That his Lordship had made out his claim; and report thereof to be made to the House.

The Earl of Shaftesbury sat Speaker.

Several Lords took the oaths.

The Queen's answers to addresses of Thursday last; reported.

The Queen's answer to address of yesterday; reported.

HOUSES OF PARLIAMENT BILL.

Order of the day for the House to be put into committee, and the Lords summoned, read. House in committee accordingly, and Bill reported, without amendment; and to be read a third time to-morrow, and the Lords summoned.

PRISONERS (IRELAND) BILL.

Brought from the Commons, read a first time; to be printed, and to be read a second time to-morrow.

REGISTRATION OF BIRTHS, DEATHS, AND MARRIAGES ACT.

The Earl of Shaftesbury presented a petition for alteration of the above Act, — from clergy resident in Lincoln and its neighbourhood. — Read, and ordered to lie on the Table.

POOR LAWS AMENDMENT ACT.

LORD WHARNCLIFFE. — I beg leave to present a petition from the president, council, and members of the Provincial, Medical, and Surgical Association, assembled at the fifth anniversary meeting, at Cheltenham, signed by the secretaries, Charles Hastings, M.D., and Mr. James P. Sheppard, complaining that under the provisions of the new Poor Law Bill sufficient medical assistance is not afforded to the poor; and stating that the attendance, now, is not equal to what it was under the former system. With respect to the latter representation, I have very considerable doubts, indeed. As to the attendance having been inadequate formerly, it is no answer whatever to say that the medical assistance afforded to the poor is better now than it was under the old law. If that assistance is not now sufficient, an alteration ought to be made.

LORD BROUGHAM. — The comparison is important.

LORD WHARNCLIFFE. — Upon comparison the attendance may now be better, and so far it may be satisfactory, but still that is no answer to its being insufficient, even now. The petitioners pray that your Lordships will appoint a select committee to inquire into the matter. I beg to say that I differ from the petitioners on the subject of their prayer. I do not think, under the present circumstances, it would be expedient to engage in that inquiry. There is a committee appointed by the other House to inquire into the operation of the new Poor Law Amendment Act, and those who complain have an opportunity of going before that committee. The petitioners observe, that a sufficient opportunity of that sort is not afforded to them by the committee of the House of Commons, inasmuch as that committee is so constituted as not to give those opposed to the new system a chance of being impartially heard. I do not know how that is; but if it be so, I can only say that it is unfortunate and impolitic. I am sure that most persons who have given their attention to the operation of the new system, especially in those parts of the country where the poor law is in most extensive operation, must be satisfied that essential good has been done by it, and that the internal management of workhouses is infinitely superior now to what it was. I feel persuaded that the working of the new system has been most beneficial — that great improvements have taken place — and that it soon will be considered, universally throughout the country, that the change has been most useful.

LORD ELLENBOROUGH. — I must say, that the petitioners have attacked the least vulnerable part of the Bill. Under the law, the pauper receives medical assistance gratis, which a man in full employment can scarcely command. The sick pauper is allowed broths, porter, and other comforts, I will not call them luxuries, which are denied to the working labourer.

The EARL of RADNOR. — In my neighbourhood an opportunity is given for a report to be made to the board of guardians as to whether individuals under medical care are or are not satisfied with the treatment which they have received. I understand that, whenever the new poor law has been carefully introduced, even in the northern parts of the kingdom, it has given satisfaction, and that objections are raised against it only in those places where they have no experience on the subject. I know that a great many petitions have been presented to the House from respectable medical practitioners, complaining that the Bill will have a tendency to degrade the profession by the system of competition. But there are also a great many respectable men who have since entered into that competition.

The petition was then read; and ordered to lie on the Table.

IMPRISONMENT FOR DEBT BILL.

LORD BROUGHAM. — I hold in my hand a petition from a most unhappy class of her Majesty's subjects, namely, debtors in the gaol of Bath, who pray for some alteration in the laws relating to imprisoment for debt. The petitioners, most of whom are chiefly labourers, state that their families are reduced to great destitution and misery, in consequence of the long confinement which they have endured. They mention two instances of the harsh and cruel operation of the law. One is that of a person who has a wife and seven children, and has now suffered an imprisonment of two hundred days for a debt of 7*l.*; the other, that of a person with six children, who has been imprisoned for a similar number of days, for a debt not exceeding 7*l.* 13*s.*

The petition was then read, and ordered to lie on the Table.

BISHOPRICK OF SODOR AND MAN.

LORD BROUGHAM. — I have now to present a petition from the Reverend Charles Aldridge, who states that he is a clergyman of the Established Church, that he was canonically ordained by the late Bishop of Sodor and Man, and that for more than two years he has been a witness of the great good and benefit conferred upon that diocese by the personal exertions and superintendence of the late bishop. He then refers to a statement made in this House by a Right Reverend Prelate as to no injury resulting from the union of that diocese with Carlisle, and proceeds to say, that from his experience he is of opinion that it would be productive of much mischief.

The petition was then read, and ordered to lie on the Table.

LICENSING PUBLIC HOUSES.

LORD BROUGHAM presented a petition for alteration of the law relative to the licensed spirit dealers, victuallers, and tavern keepers in the city of Glasgow. — Read, and ordered to lie on the Table.

CIVIL LIST BILL.

VISCOUNT MELBOURNE.—In proposing that your Lordships should go into committee on the Civil List Bill, I have a few observations to make in reference to a subject which is in some degree connected with that proposition. I see on the order book a notice of motion for the production of the accounts of the net proceeds of the duchies of Cornwall and Lancaster for a certain number of years. It was certainly stated, on a former occasion, that there would be no objection on the part of the Government to the production of those accounts; but we have since found that this information has not been laid before either House of Parliament, and that there exists a certain degree of objection to its production. I admit it is competent to your Lordships to call for any intelligence you may think necessary; but I beg to observe that it is a very unusual course on a Bill of this nature to ask for information which has not yet been laid before the other House of Parliament; and I put it to your Lordships whether you will run the risk of being thought to act with anything like disrespect to the Crown, by calling for that which has not been laid before us as a voluntary act of grace on the part of the Sovereign? I have already stated that it is the intention of her Majesty's Government to introduce some new regulations with respect to these duchies of Cornwall and Lancaster; it is their intention not to observe that system of secrecy that has been observed heretofore, to remove every objection to the administration of the duchies, and to lay all that relates to them open to the consideration and investigation of Parliament and the country. In bringing forward these measures some accounts must be laid before Parliament, and are intended to be laid before it. On all these considerations, then, I submit to my Noble and Learned Friend whether it is expedient that he should persevere in his motion?

LORD BROUGHAM. — I can assure your Lordships that there is no man in the universe less disposed than I am, after the appeal which has been made to me by my Noble Friend, to persevere in the motion of which I have given notice. It appears from what my Noble Friend has stated, that to move an address on this subject would be at once unfitting and disrespectful to the Crown. If your Lordships think that this motion ought not to be brought forward, I feel that to persevere in it would be useless. It would only be leading to a debate, or rather to the renewal of the debate of last night. Looking to the support which I am likely to obtain in this House, I see that I have no chance whatsoever of obtaining the account which I am anxious to procure; and I feel that I have still less chance — indeed I may say that I have not the most remote possibility—of achieving my object, without the assistance of my Noble Friend, who, for the reasons which he has stated, would most unquestionably join in the opposition against my motion. I must, however, say a word or two in vindication of the course which I have adopted, as it is asserted that such a course would not be fitting, as it is declared that such a course ought not to be taken, because it would be wanting in due respect to the Crown. I must say, if this were so, that I am not the only person who labours under a mistake in supposing that it is neither unfitting, nor unprecedented, nor in opposition to that respect which is due to the Crown, to adopt the course which I have pursued. It will be in the recollection of your Lordships, that when I gave my notice I was requested to postpone it till the night after which I did; in the interval communicating a copy of my motion, in the very words in which I made it, and in which it was entered on your Lordships' orders, to my Noble Friend, for the purpose of its being communicated to my Noble Friends the Chancellor of the Duchy of Lancaster, the Lord President of the Council, and the Noble Lord who presides over the Woods and Forests department. I did this that it might be considered — yes, that it might be maturely considered — whether it would be right or not to comply with the terms of the motion. That paper was given to my Noble Friends — they had it in their possession for twenty-four hours — and then a communication was made to me, that there was no possible objection to the production of the papers — that they had communicated with the Chancellor of the Exchequer, — the proper officer, no doubt,—and that no opposition would be made to my motion. I put it to your Lordships whether, under these circumstances, I can be said to be chargeable, as the only person chargeable, with having pursued a course that is manifestly unfit, that is wholly unprecedented, and that betokens a want of due respect to the Sovereign? I certainly do not deem that I am guilty of any of these offences, nor that my Noble Friends were accomplices in the conspiracy. I hold that I have committed no offence under any one of these three separate heads of charge; and there being no principal offender, there can of course be no accomplices. I considered myself free, and I considered my Noble Friends free, from that imputation, which I think they have very unnecessarily cast on themselves, as well as on me; and I appeal to them whether I do not stand abundantly acquitted of any such charge? Now, how stands the case? We are called on to vote hundreds of thousands a-year on account of the Civil List, for perhaps half a century; and the question now is, or ought to be, "What is the amount of the revenue of the Crown derived from other sources?" And in order to ascertain that point before it is too late, in order to arrive at that information which ought to influence your Lordships' vote, I call for certain documents. Now, however, it turns out that that is not the proper course of proceeding; the proper mode, it appears, is to vote the money first, and to make calculations on the information which we may receive with reference to the necessity that exists for the vote, afterwards. My Lords, it appears, too, that we have to countenance us in this proceeding—in this preposterous proceeding —I say expressly preposterous proceeding—in which we put that last which ought to be first, and that first which ought to be last—it appears, I say, emphatically, that in this preposterous course of legislation, we have, to countenance us, the authority of the Commons' House of Parliament—the guardians of the public purse—the jealous watchmen over the finances of the country—those who are sent to represent the people in the people's House of Parliament—whose voices are the people's voices sounding through them, and which I hope I shall never live to see stilled in that House by any juggle between the Chair and the Treasury bench, by any stifling of it, whether on petitions or in debates on petitions, by which debates on petitions it is that there has been obtained every one of the victories ever gained by the people in their struggles against the corruption of a boroughmongering Government. I trust I shall never live to see that House less zealous hereafter than heretofore; but, for the present, a cloud has come over their vision—for a moment a cloud has passed over them, which has blinded their senses, which has charmed their accustomed activity, which has put to sleep their watchfulness, their wakeful care over the purse of the Commons, intrusted to them, the people's faithful representatives. And when we are charged with too much attention to the purse of the people, it is said, "Why should you take so much care? why should you, the Lords, be more watchful than the people themselves, speaking through their representatives in the Commons' House?" To that appeal I have no answer to give, only this: I believe that before long the House and the people may awake, and that they will ring a peal in the ears of the present guardians of the public purse, which will be remembered, not to the last hour of the official existence of the Government, but to a much later period—to the last hour of the public life of the youngest public functionary in the country.

LORD ELLENBOROUGH.—I am aware that within the last four or five years numerous instances have occurred in which this House has asked for information respecting public expenditure, which the House of Commons has either not asked for, or which, if it has been asked for, was refused. In my opinion, it is essential that we should obtain all the information it may be possible to acquire, in order that we may be enabled to legislate safely. On these grounds, I do not think that the Noble and Learned Lord is justified in withdrawing his motion:—to which, however, there is one objection, which is, that from the nature of the thing, it ought not to be a motion, but an address.

LORD BROUGHAM.—It was changed into that. If the Noble and Learned Lord is going to argue the question, I shall go on with my motion.

LORD ELLENBOROUGH.—I do not mean to argue the question, as it was argued last night, at very great length, by the Noble and Learned Lord, when there were very few Peers present. I beg to observe, in reference to the statement made by the Noble Viscount opposite, that a Bill is about to be introduced for the regulation of the revenues of the duchies of Cornwall and Lancaster, that it is absolutely necessary that such an Act should be passed, because the Crown cannot grant a single lease of that property without an enactment enabling it so to do. On the accession of William IV., an Act was passed on the subject, and therefore it must now come under the notice of Parliament. An opportunity will thus be afforded for making, as I think there ought to be made, an entire change in the whole system of the duchy of Cornwall. I see no reason why a full inquiry should not be made into the enjoyment and application of the revenue of that duchy. In my opinion, an end ought to be put altogether to the renewal of leases on fines. All that ought to be required for the buying in of a new life is a fixed annual rent. In one point of view the system of fines may not be objectionable, because the fine may be fairly equivalent to a certain rent; but in another point it is bad — it is morally ruinous that a Prince of Wales, Duke of Cornwall, on coming into possession of this property, should, at the age probable of 19, have to receive 90,000*l.* or 100,000*l.* There is no likelihood of a Prince of Wales coming into possession of it for at least twenty years; and advantage ought to be taken of that circumstance to place the property upon an entirely new footing. I do not object to information on the subject; on the contrary, I wish to have it; and my objection to the Noble and Learned Lord's motion is, that it will afford no sufficient information. Valuations ought to be taken.

LORD BROUGHAM. — The information which I call for would have answered the object which I have in view.

LORD ELLENBOROUGH. — The Noble Lord's motion only requires information for a short period of years. It would by no means throw a light on the whole subject.

LORD BROUGHAM. — I repeat, that I am perfectly satisfied that my motion would have afforded as much information as would have been necessary for my purpose; but I am disposed to withdraw it chiefly from the hopelessness of its being agreed to.

On the motion for going into committee being put, —

The DUKE of WELLINGTON said: — My Lords, I have to apologise to your Lordships for troubling you on the present occasion. The practice of late having been for your Lordships not to do any important business on Wednesday nights, I did not expect the Noble Viscount's statement, and an engagement obliged me to leave the House before I heard the whole of it; what, however, I did hear, afforded me great satisfaction.

My Lords, I will now say a few words on the principle of the measure. The Noble Viscount opposite stated, yesterday, that I had made some objection to a similar measure on a former occasion. My Lords, it is certainly true that I did so, and I have the same objection to the measure now before your Lordships. I recollect that at a former period I differed in opinion with many Noble Lords, on account of a provision not being made in the Bill, or in some other measure, for the office of First Lord of the Treasury, and other great officers of state, to make them independent of an annual vote in the Committee of Supply in the other House of Parliament, and I feel an objection to the present measure on the same ground. My Lords, I likewise confess that I feel very strong objections to the system established respecting pensions during the pleasure of the Crown. It is my opinion that a sufficient provision has not been made for the exercise of the royal bounty. The Noble and Learned Lord, last night, went into considerable detail with respect to the inconvenience likely to result from the long period of time during which provision is about to be made for granting pensions. Now, I beg leave to call your Lordships' attention to this period of time in respect of certain pensions, and to ask you to consider the service for which these pensions are usually granted. These were not granted to persons who have not given great services to the country. There are now many officers, both of the army and navy, who are on the list for rewards, to which they are entitled for services rendered during the late war. But, my Lords, it is not only officers of the army and navy, but there are a number of families, also, to be provided for by pensions on the Civil List; and, if we are to look forward for thirty or forty years, is it possible that your Lordships can believe that you have made sufficient provision for those demands upon the bounty of the Crown — demands in which the public interest is materially involved — by giving the Sovereign the power of granting 1200*l.* in pensions each year? I have also another objection to the Bill,—I allude to that clause by which the Crown is to be obliged to state the grounds on which those pensions are granted. There are many claims, many well-founded claims, on the bounty of the Crown, nay, on its justice, which a Minister cannot successfully defend either in this or in the other House of Parliament. I could state some arising out of certain public events, which I am sure that every one of your Lordships would admit to be well-founded. But it is not only claims of this description for which provision ought to be made. It is desirable, in considering a question of this nature, that both Parliament and the public should be distinctly informed what the amount of the property is which the Sovereign gives up when this bargain of the Civil List is made, and, also, that Parliament and the public should consider whether there are not claims on the justice and generosity of every individual having large property, and whether it is fitting that the illustrious personage filling the throne should be the only individual in the country who cannot perform an act of justice and generosity, but must come down to Parliament to have the propriety of it discussed in a public assembly. I could have wished that before this subject came under the consideration of your Lordships, we had had a distinct statement made to us of the amount of the revenues which the Crown has given up; for then we should have been able to decide whether it is fitting that the generosity of the Crown should be limited as it is in the first instance, and that afterwards every act of that description should be laid before Parliament, and that a Minister should be then called upon to get up in his place to defend it. I cannot let an Act in which I see so much to disapprove, pass without protesting against it. I will not, however, take up the time of the House further in discussing the objectionable parts of the Bill, nor will I delay the passing of it by stating any further arguments in opposition to it.

VISCOUNT MELBOURNE.—I stated at so much length, on a former occasion, the grounds on which I thought that the arrangment made for the Civil List in 1831 was the best that could possibly be adopted, that I will not further enter into them on the present occasion. I differ widely from the view which the Noble Duke has taken of this subject. I think that the present arrangement, which settles the revenue to be appropriated to the personal convenience, comfort, and dignity of the Sovereign, and which leaves the other points to be provided for by an annual grant of Parliament, is the best and most convenient plan that can be acted upon. No inconvenience has been found to result from the arrangement of the Civil List which was made at the commencement of the last reign, and I certainly cannot see that there is any reason to apprehend inconvenience, if your Lordships act upon that arrangement, during the present reign. The Noble Duke has also complained of the provision made in this Bill with respect to pensions. He has contended that the fund at the disposal of the Crown is insufficient for the purposes of generosity and charity, which the Crown may think it fitting and proper to exercise. That is a question on which great difference of opinion prevails, and that difference of opinion arises from a difference of principles. The Noble Duke has adverted with much feeling to the number of widows and children of officers whose names are upon the Pension List; and it is manifest, from his observations, that he has made up his mind to a much larger system of pensions and superannuations than that which exists at present. Now, my principle is opposite to his. In my opinion nothing is so dangerous and so prodigal for the country as a general system of pensions and superannuations. The finances of no country can stand it. If it be carried out, far, the finances of no country can survive it, any more than the revenues of a private individual can survive it. We have already carried it out to a large extent — we have already given large allowances, as the Noble duke knows much better than myself, to individuals both in the army and in the navy; and, in addition to the pensions on the Civil List, there are settled pensions for the widows and families of those officers who have fallen or suffered in the service of the country. I must say, for myself, that I know that this allowance of 1200*l*. a-year for pensions is a smaller sum than that which was before placed at the disposal of the Crown. If the Pension List had been voted to her present Majesty in the same way in which it was vôted to his late Majesty, there would have been pensions to a larger amount at the disposal of the Crown than there are at present. The former system, however, was uncertain, for many pensions might fall in during the course of a year, or none might; whilst the present system is fixed, regular, and certain. As far as I have seen of the government of the country, and of the fair demands of individuals upon the bounty of the Crown, I think, considering that there are other funds for the relief of those who have become destitute, or have suffered in the service of the country, that the sum now granted, if it be properly administered and wisely distributed, — and its proper administration and its wise distribution can only be secured by the publicity established by this Bill, — will be amply sufficient for all the purposes for which it is intended. The Noble Duke has adverted to what would have been by this time the amount of the hereditary revenues of the Crown, and to what was given up by the Sovereign in assenting to the bargain. Whatever may be the fate of this Act, whatever may be given up by the Crown, this question ought not to be considered on the grounds of its being a claim of compensation, but on the grounds of public policy — not as a question of how much the Crown is entitled to receive, but as a question of how much the Parliament, in justice and liberality, is entitled to grant. For my own part, I think that what is given to the Crown is sufficient. It should also be recollected, that the restricted amount of funds leads to a more prudent and enlightened administration of them, while a profuse amount of them too often leads to a profuse expenditure in their management. I was happy to hear the Noble Duke in the conclusion of his speech remark that, although he had expressed his disapprobation of several parts of this Bill, he did not intend to give any further opposition to its progress.

The House then went into a committee on the Bill. Bill reported, without amendment, and to be read a third time tomorrow; and the Lords summoned.

UNIVERSITIES OF OXFORD AND CAMBRIDGE.

The EARL of RADNOR.—When I gave notice, a few days ago, that I should on the present occasion draw the attention of your Lordships to circumstances connected with the universities of Oxford and Cambridge, I said that I should probably direct your attention chiefly to occurrences in the university of Oxford, though a few of my observations might also apply to occurrences in the university of Cambridge. I cannot help alluding to what passed in this House some months ago, respecting both those universities, and to the measures which the authorities of them have professed their intention to take in consequence of them. Though little appears to have been done as to those measures in either university, yet it is only fair to state that I have received a letter from Lord Cavendish, stating, that he has reason to believe that, in Trinity College and some of the other colleges, progress is making and will be made by the appointment of committees to revise the statutes of their individual colleges, and also of the university at large. With regard to the university of Oxford, I have likewise been informed that committees for similar purposes have also been appointed in one or wo colleges; and that a hope is entertained that, after they have ascertained what the statutes of those colleges are, an attempt will be made to consolidate and amend them. I shall not further allude to these matters at present, although I think it right to say that, after the recess, in the course of the Session, I may think it necessary to adopt measures to ascertain what the committees of these colleges are doing. In the university of Oxford, it is stated that something has been already done; that an alteration has taken place, and that great improvements are going on. I cannot, however, congratulate either myself or the country on the extent of reform which has hitherto taken place. Though the heads of houses have applied themselves, with great apparent zeal, to revise the statutes of that university, the sum total of their labours and of their reforms is of the most ridiculous and ludicrous character. That sum total consists in this,—that the tutors are no longer prohibited from reading lectures to their pupils in Lent; that an English sermon will be substituted for the Latin sermon, preached at the commencement of each term to the university; that certain prayers, hitherto recited in Latin, will in future be recited in English; and that the oath taken by students upon their matriculation, to observe all the statutes of the university, is to be abolished. I beg pardon: I am not certain that I am correct in saying that an English sermon is to be substituted for a Latin one. No, I am wrong about that point. I see that the *Concio ad Clerum* is still to be in Latin. It was proposed that it should be in English; but, on a division, it appeared that the placets were 81, and the non-placets were 102. The only real alteration of the slightest importance which has been made, is the abolition of the oath taken by students on their matriculation, to observe all the statutes of the university. I think that nothing can be more objectionable, than to call upon young men of seventeen or eighteen years of age to swear that they will observe a set of statutes which they know nothing about. The getting rid of that oath is certainly an improvement; but it is the sum total of the reforms made at Oxford, after incessant labour for a long time. I believe that, if the Noble Duke were to look into the matter, he would think that this alteration has been most accurately described in a paper which has been published in the university, and from which I will read a single extract:—" It is merely an affectation of doing something, when nothing is really intended to be done."

I have been told, however, that the university is now doing something on the 15th chapter of their statutes, which affects the discipline of young men *in statu pupillari*. I do not, however, anticipate much benefit from that. No one who is acquainted with that university will deny that there is a great aversion to all change in those personages from whom any change in the discipline of the university must originate; and when we know that every change proposed must be assented to by the convocation, and when we see the members of that body voting as they usually do, what hope can we entertain of any great and salutary reform? I will give your Lordships a specimen how some of the suggestions as to things proposed to be reformed have been received by that learned body. A proposal was made to abolish the obsolete custom which gave to the proctors the power of appointing two masters of arts to chaunt the litany, and of imposing on such masters of arts as refused a fine of *5s.* This proposal was opposed by sixty-eight persons. I mention this to show that there is no chance of any great improvement emanating from such a quarter. Forty-eight members of the convocation have also voted against a proposition to abrogate a rule which has fallen into desuetude for the last 150 years. These are, however, minor matters. The principal object for which I now rise is, to complain of the illegality of the proceedings of the University of Oxford against one of its most learned and pious members — Dr. Hampden. I will not enter into the question, whether alterations of the statutes ought to originate with the hebdomadal board, or with the house of convocation; for I am prepared to argue the total illegality and incapacity of the university to alter the statutes without the consent of the Crown. The code of statutes by which the University of Oxford is now governed, was passed in 1636, and is called the Laudian or Caroline Code. The circumstances under which that code was passed were these: — About two centuries ago, from the variety of charters which had been granted to the university by several of our monarchs, and from the variety of statutes which had afterwards been grafted upon them, all the rules and laws of the university had got into a state of great confusion. In the year 1631, the then Chancellor of the University was anxious to reform its statutes, and get them consolidated into one code; and delegates were appointed, at his instigation, for that purpose. The Earl of Pembroke died soon after; and, on his death, the celebrated Laud was appointed Chancellor. He set about the work commenced by his predecessor with great zeal, and after the labour of two or three years completed it. Few of the statutes which he provided for the university were newly drawn up; they consisted principally of the old statutes, arranged so as to form one code. Charles I. was very anxious that they should be adopted. They were therefore tried for twelve months, and having been approved by the university at the end of that time, were formally sent down to it with great form, the great seal being attached to them. A Secretary of State and several other officers of high rank were sent to Oxford with them, and were received with great ceremony by the authorities of the university. I ought to have mentioned, that previously to this an Act was passed, in the reign of Queen Elizabeth, incorporating the members of the university under the title of the masters, fellows, and scholars of the University of Oxford, confirming to them all their previous charters, and all their former rights. On the Laudian statutes being sent down to them, they surrendered all their former charters, and received the Caroline Charter as the charter by which they would, in future, be governed. Now, if this be so, if this be the governing *codex* of the university, the next point to be settled is, whether there is, in that *codex*, any power reserved to the university to alter its statutes. I find, in the body of the statutes, many expressions forbidding any such alterations. In an original letter which Laud sent down to the university with the statutes, in 1636, there is a paragraph in which he stated, that they were to have *legitimam vim*, the force of law, for all legal purposes *apud posteros, perpetuò*, for coming generations for ever. Again, there were expressions to the same effect in the letter which Charles I. sent to the university on the same occasion, and it was therein stated, that all former statutes, contrary thereto, were repealed. These terms, I repeat, were sent down to the university, and were accepted by it with great form. It was expressly provided, that there should be no power of altering any of the statutes without a special licence from the King himself. There was also a whole chapter on matters which were called indispensable, in which it was expressly stated, that no dispensation or change should be prayed for, with respect to any statute or decree which had received the Royal authority.

I know it has been contended, that those provisions of immutability relate only to some particular statutes — the Caroline statutes, as they are called. But such is not the fact. The prohibition of making any alteration is not confined to those statutes; and the natural construction is, that it must apply to the whole. But it will be said, that there are certain provisions in the statutes for making necessary alterations; and it does singularly happen that, in the Caroline statutes themselves, which have always been held to be unalterable, there is a similar power given to different persons of setting matters right, if there should be any "*dubitatio*" on the subject. It is important also to observe what has been the feeling of the university itself. The statutes were passed in 1636, and for 120 years from that time only seven new enactments, or supplements as they were called, were made, and every one of them came literally within the permission given for making necessary alterations. Now, in 1640, a new statute passed for regulating the Arabic lecture, which had just been founded; in 1662, another supplementary statute was passed — the only one which affords any justification of the modern practice — and the object of that statute is to require two declamations, instead of one, before taking a degree. In 1708 there was another statute for regulating the poetical lecture, then first founded. In 1738, another for extending to the sons of Scotch and Irish peers the same honorary indulgences enjoyed by the sons of English noblemen: — another, in 1757, for regulating the appointment and remuneration of the officers of the press; and another, in 1758, for regulating the Vinerian professorship. In 1759, some dispute having arisen with respect to these statutes, the opinion of Blackstone, who had just been appointed the first Vinerian Professor, and of two counsel, Morton and Wilbraham, was taken; and it was supposed, from their opinion, that the university had the power to make statutes. Up to 1758 only seven alterations were made, which really and truly were no violation of the statutes, without the Royal licence. These seven were placed as an appendix to the *corpus statutorum;* but, from that period, a body of alterations, almost as large as the statutes themselves, was introduced in the nature of additions. In the next thirty-six years there were no less than fifteen additions; and so the university has gone on up to the present time. I should have mentioned, as a strong confirmation of the opinion I have given, that, in 1637, the very subsequent year to the passing of the statutes, Laud gave a body of laws to the university of Trinity College, Dublin, containing an express prohibition to make any alterations, and the consequence is, that from that time to the present they have continued the same absurd forms which were in use in those days.

There appears very good ground to suppose, that up to 1759, the university felt that, under what I contend was a proper understanding of those provisions, they had no power to alter any essential part of those statutes without the Royal assent. It may be said, it is wholly absurd to suppose that a corporation of this nature would accept of statutes which bound them so stringently against the adoption of any alteration; but this happens, in fact, every day; and in petitions presented last year on this very subject, it was contended, in accordance with this view, that neither the universities themselves, the heads of houses, nor the visitors — nor even Parliament itself, had the power to make any alteration. This, I am certain, affords a complete justification of the view I take upon the matter. The steps which were adopted last year against Dr. Hampden were, therefore, perfectly illegal. There was a statute passed, some time ago, without any authority from the Crown, which repealed two chapters of the statute, stated in the margin as being part of the *addenda.* One of those chapters directed that the Regius Professor of Divinity should be one of those to appoint the select preacher, and the other directed that the Regius Professor of Divinity should be one of the persons appointed to try matters of heresy, in case any heretical doctrines were preached in the university. It is said both of these statutes were in the *addenda.* I contend the whole of the *addenda* are irregular and illegal, inasmuch as they are additions to the original statutes; and therefore I see no harm in repealing them. It seems to have been customary for the university, in altering parts of any statute, to repeal the whole, and transfer any portion of it they wished to retain, to the *addenda,* word for word as they appear in the original statute. Now, the section of the chapter which enacted that the Regius Professor of Divinity should be one of those appointed to choose the select preacher, was only to be found in the *addenda,* and I do not complain of its repeal; but the other, depriving him of the power to sit at what is called the board of heresy, was transferred from the original statute to the *addenda,* and the university had no power to repeal it. The university have, therefore, I contend, violated that statute in the insult they have offered to Dr. Hampden. Without any accusation having been made, they acted as, at once, the accusers, the judges, and the executioners. Dr. Hampden was living quietly in Oxford as Regius Professor; a convocation was called, a great stir was made, the greatest activity was used to get up the people from all parts of the country, and coaches drove into Oxford with men to give their votes, who, to my certain knowledge, knew little about the matter, and never read a single word of Dr. Hampden's works, save and except the extracts which his enemies circulated against him. I believe I can prove that at the bar. Those men came up to the convocation and passed the statute, by which they declared that some of Dr. Hampden's writings contained such theology, *res theologica*, that the convocation had no confidence in him,—Dr. Hampden never having been summoned nor heard in his own defence. Indeed, one of the speeches at the convocation, made by the Warden of Merton, concluded thus:—"Where is the accuser? Where is the accused? What is the accusation?" Dr. Hampden was not only excluded from being one of those to appoint the select preachers, but also from sitting at the board of heresy. The conduct of the university, in that respect, was illegal; nor are their late proceedings less illegal in reference to a general revision of the statutes.

But I may be charged with inconsistency; first, in urging the university to undertake the work of self-reformation, and then complaining of them when they do so. The whole difficulty might easily have been removed if the University of Oxford had applied to the proper quarter. But they have proceeded in an irregular, illegal, and most improper manner; and I conceive it is the duty of her Majesty's Government to take some steps in order to vindicate the prerogative of the Crown with respect to Dr. Hampden, as having been appointed by the Crown to an office of so much importance and dignity. No doubt, it may be said, if Dr. Hampden has suffered any grievance, he should seek redress for himself; but the remedy is so cumbersome and so expensive, that, with limited means and a large family, he does not choose to resort to it. After the statute passed, no notification was given to him, and although he sent his protest to the Vice Chancellor, no notice whatever was taken of it; but the Vice Chancellor thought proper to stick up an advertisement in Brasenose College, of which he was principal, that no candidate for orders, however well conducted or meritorious, should have a testimonial if he attended Dr. Hampden's lectures. Luckily, this conduct has been counteracted by the determination of two of the bench of bishops, their rule being to require testimonials of having attended the lectures of the Regius Professor of Divinity. Those are the grounds on which I found my motion. But there is another point of view in which the proceedings of the university, if not technically, are morally, illegal. I have felt it to be my duty, on more occasions than one, to animadvert on the way in which oaths are taken at Oxford. They would rather, it is said, be turned into the world houseless and penniless than break an oath. Well, the observance of the statutes is enforced by repeated oaths. Up to the other day, every matriculated member of the university swore to observe them; every B.A., and M.A., and D.D. bound himself by repeated oaths to observe them; and yet those repeated oaths were violated by the proceedings to which I have alluded. In consequence of some observations on this topic, the most singular statements on the subject have been put forth in the university. In a paper which has been published at Oxford without the name of the writer, who, however, is well known there, it is stated, that I have accused the members of the university with violating these oaths; but that I referred to statutes which have become obsolete. Thus, it appears that, although they have sworn to obey them, their becoming obsolete, in the opinion of the writer, is a sufficient ground for not observing them. It appears, however, that in many parts of the statutes, it is declared, that if any leading persons in the university suffer any statutes or laws to become obsolete from not observing them, they shall be considered as guilty of perjury. On this subject I will also refer to an article in a recent number of the *Quarterly Review*, on the subject of these oaths. By whom this has been written I do not know, but any one who has read the letter of Mr. Whewell will be struck with the similitude of style and argument between the two. In that article there is the following extract:—

> And they should understand, also, the nature of an oath. We cannot here point out all the errors prevalent just now on this important subject; but, in the case of a trust requiring the constant adaptation of fixed rules to changing circumstances, under the necessary promise of adherence to those rules themselves,—if one thing more than another can relieve the conscience, and remove the difficulties of the trustee, even where the greatest changes may be required, it is an oath. A promise to man ties us down to one fixed act, from which we cannot swerve, because man cannot see our heart, or provide for contingencies, or judge us with discretion; but an oath restores us at once to that Christian liberty which, in all cases of difficult conduct, is absolutely necessary—but most of all amidst the multitude of duties and relations involved in the functions of the universities. In very, very few cases is the administration of an oath anything but an error and an evil; but in the com-

mission of such a trust as this it is absolutely necessary, to enable men to act as they must act, sometimes even in opposition to the verbal will of their founder, but at all times under the eye of God.

That is the language of the *Quarterly Review*, the organ of the Church and the Universities. Talk of popery, indeed! it is nothing to this! The pope is said — I do not know how truly — to release a man from his oath; but at Oxford, according to this doctrine, every man is his own pope, and may release himself from any oath whenever he thinks fit. Apologising for detaining your Lordships at such great length, I beg leave to move that there be laid before this House a copy of the protests delivered by Dr. Hampden to the Vice Chancellor of Oxford, on the 8th day of November, 1836, and the 28th day of November, 1837. I hope the Government, having had their attention called to this subject, will take some step to vindicate the prerogative of the Crown, and set Dr. Hampden right.

The DUKE of WELLINGTON. — I feel myself bound to object to the motion of the Noble Earl. In point of form, that motion cannot be made, and I do not know to what end it can be directed. But I do not solely object to it in point of form, — I object to it also in substance. The object of the Noble Earl's motion is to bring this subject under the consideration of the House, with a view to a prosecution by the authority of her Majesty's Government of the University of Oxford. That is the object of the Noble Earl's motion. If the Noble Earl had given notice of his intention to address the Crown to direct that Dr. Hampden, as an individual, should be prosecuted, his motion might be more in form; but the intention avowed by the Noble Earl is that the University of Oxford shall be prosecuted on account of these transactions. That is an interference, not only with the affairs of the university, but with the Crown, which, in my opinion, this House ought not to move in. Your Lordships ought certainly not to take such a step upon a subject of this description. If you were to take such a step with a view to a prosecution of the University of Oxford, and there should afterwards be an appeal to this House in consequence of such prosecution, I should like to know in what situation the Noble Earl would stand in this House when such appeal came before it? Under these circumstances, I am quite sure your Lordships cannot adopt the motion on the grounds stated by the Noble Earl. I cannot help thinking that the last part of the Noble Earl's speech is almost an answer to the first; because, if the Noble Earl contends, as stated by him in the latter part of his address, that the university has no right to alter these statutes, upon what ground, I should like to know, does the Noble Earl blame the university for not having made the alterations which he is of opinion it ought to make in the statutes and conduct of the university, as stated by him in the commencement of his speech?

Before I sit down, I trust I shall be able to show that the university has the power of altering its statutes; and on the part of that university I must say, that, for a long time, the convocation have had under their consideration the alterations which ought to be made in those statutes; that the work of alteration was commenced by them in the course of last term; and that they are proceeding with that work as fast as they can proceed with propriety, and at the same time with attention to the other duties they have to perform. Besides, I can tell the Noble Earl, in answer to the first part of his speech, that, in all the colleges in which it is in the power of the governing body, — whether assisted by the visitors or not is not essential, — but that, in all those colleges where it is in the power of the governing body to make alterations in the statutes, they have those statutes under their consideration, with a view to make in them such alterations as may be considered just or requisite. They have had the subject under consideration during the few months that have elapsed since the close of last Session; and, at the expiration of a few months more, during which there will be comparatively much more leisure to devote to it, I hope I shall be able to inform the Noble Earl that some progress has been made in the work of alteration The Noble Earl has entered into a long detail upon the subject of the statutes of the University of Oxford, in order to prove that the convocation of that university have not the power of altering those statutes. Now, I believe that there is no corporation in this kingdom which has had the power of making its statutes for a longer period than the University of Oxford. It is perfectly true that, in the reign of Charles I., a revision of those statutes became necessary; that a commission was employed to revise and consider them; that they agreed upon what course they should adopt in the year 1634; and that, in the year 1636, — and not immediately after, as stated by the Noble Earl, — the King sent down a letter confirming those statutes, and containing the clause adverted to by the Noble Earl, and which he contends has the effect of preventing any alteration in those statutes, although they create expressly a power of enacting, interpreting, or altering statutes, but at the same time forbidding the exercise of that power in case the statutes were sanctioned or confirmed by Royal authority. The Noble Earl pretends that these words referred to the whole code of statutes passed, as he has said, in 1634, and confirmed in 1636. But it is well known in the university that the prohibition of altering statutes extends solely to those statutes which have been sent down to the university by the King himself, which, in fact, have been made by the King, and which are directed to be carried into execution under very different circumstances, and in a very different form of words from those statutes which form the subject of the code in general. This is a matter perfectly well understood in the university, which always has been understood and acted upon in the university, from the year 1630 up to the present time.

The Noble Earl has stated that, in the year 1640, a statute was passed respecting the establishing of an Arabic professorship by the Chancellor Archbishop Laud. But surely, if it were understood, at that time, that a statute could not be altered, abrogated, or interpreted, excepting with the consent of the King, Archbishop Laud would have asked his Majesty's consent to the enactment of this statute, passed at so early a period as 1640,—that is to say, within four years after the period at which those statutes were confirmed by his Majesty, and as the Noble Earl has said, under the great seal. It happens that the Caroline statutes were confirmed under the great seal; but the general code of statutes was not so confirmed. There is one general letter applying to the whole, which I hold to be under the great seal, though not in the same form as the Caroline statutes. There were other statutes subsequently passed, and by those who were perfectly well acquainted with the transactions of 1634 and 1636; but there never was heard expressed a doubt of the power of the University of Oxford to make alterations and promulgate statutes until a very late period, when the subject came under the consideration of Mr. Justice Blackstone and certain other judges, in the year 1759. Mr. Justice Blackstone said, that—

> The great corporate body of the university (which is a thing entirely distinct from our private eleemosynary collegiate foundations) has the same rights and powers, and is subject to the same regulations, as other bodies politic are. All corporations have an inherent and inseparable right (included by law in the very act of incorporating) to make by-laws or statutes for their own domestic government, provided such by-laws are not contrary to the charter of incorporation, or the general law of the land. . . . With respect to any prohibitions contained in the former statutes, it is certain that no corporation has power to make a statute or by-law abridging the legislative power of their successors, who have the same right to *repeal* as the predecessor had to *enact*, any more than one Parliament in being can make an effectual Act to abridge the power of a future Parliament. Therefore any academical statute or by-law which seems to assume such a power, is either void in itself, or at least voidable, and subject to repeal by any subsequent academical legislation. "Et cum lex abrogatur, illud ipsum abrogatur, quo non eam abrogari oporteat."—Cic. ad Attic. III. 23.

"The consequence," he goes on, "of these positions, pursued to their full extent, is clearly this,—that such a prohibition as is contained in Tit. x. sec. 2. § 2., against repealing former statutes, or explaining them, without licence from the Crown, is contrary to the first principles of law and reason, and therefore void; or, at least, is itself liable to be repealed in general, or suspended in any particular instance. If it be contended that the Royal confirmation of June 3, 1836, made the whole body of statutes from that time unalterable, let it be considered that this confirmation was superadded at the request of the Chancellor, only (see the letters patent) two years after the publication of the statute of which the prohibitory clause is part, and therefore never could be referred to by the makers of that clause. And if successors cannot be precluded from their right of legislation by any act or consent of their predecessors, nor by any other means, unless by the authority of Parliament (which every lawyer will allow), much less can they be precluded by the mere voluntary supervenient act of the Crown, without the concurrence of the body."

The EARL of RADNOR.—In what capacity was that opinion delivered by Mr. Justice Blackstone? Was it in a case of law?

The DUKE of WELLINGTON.—I am not able to inform the Noble Earl. It has been put into my hand as the opinion of Mr. Justice Blackstone, and the Noble Earl can refer to it himself. I have no doubt whatever the opinion was given; at all events, I rely upon it, and I believe it to be law, or, at least, the law upon which the university has been acting. I admit that, at the period when this opinion was given, there must have been some doubt with respect to the right of the university to alter or make their statutes; but, at the same time, there can be nothing more clear, nothing more reasonable, nothing more just, than the opinion to which I have referred, and upon which I rely as being the law of the case. I must say, that the Noble Earl himself, the House, and the public generally having called upon the universities, both of Oxford and Cambridge, to consider their statutes with a view to their alteration, and having before them such opinions as those of Mr. Justice Wilmot and other judges, it does appear rather extraordinary on the part of the Noble Earl, now to come forward and say, that they have no right whatever to make any alteration in their statutes; that, obsolete though they may be, — inconvenient and unreasonable though they may be, — yet, that alter them they must not, because certain words in the Caroline statutes contain a prohibition against their alteration. The Noble Earl, having made that assertion, then addressed your Lordships respecting a gentleman, in reference to whom I am anxious to say as little as possible. The late King was advised to appoint that gentleman to be Regius Professor of Divinity in the University of Oxford. There can be no doubt that the general opinion of the university was, that that gentleman's theological tenets were not exactly orthodox or consistent with the articles of the Church of England,—an opinion which the publication of certain works by that gentleman has tended to establish.

Several persons in the university considered it their duty to petition his Majesty, praying, if the appointment had not been completed, that he would not make it. I believe that another address was presented to his Majesty, entreating his Majesty not to sanction that appointment, which, however, was made, contrary to the views of the university at large; and a short time afterwards, Dr. Hampden thought right, in his inaugural lecture, to state that he then felt it his duty to explain the opinions which had been complained of. I do not pretend to be a judge either of those opinions or that explanation; but this I will venture to say, and I believe your Lordships will concur in the opinion, that in proportion as Dr. Hampden found it necessary to give an explanation of his sentiments, in the same proportion were those justified who thought proper to disapprove of them. I believe it will be admitted that, if a clergyman who published certain opinions, not being orthodox, thought proper to come forward and explain those opinions, at least they who were opposed to such opinions had some justification, on their being repeated, for the course they had taken in disapproving of them. This is all I wish to say respecting the opinions and explanation of Dr. Hampden. His appointment having been made, notwithstanding the petition of a vast number of the clergy of Oxford, and the general opinion expressed there that it should not be made, a request was preferred to the heads of houses that they would propose some measure to the convocation which would have the effect of marking the disapprobation on the part of that body of the opinions and appointment of Dr. Hampden. The Noble Earl has alluded to the act of convocation excluding Dr. Hampden from being one of those to appoint the select preachers, and also from sitting at the board of heresy. I am not disposed to say any thing against Dr. Hampen; but this I must say, that, considering the whole transaction, my opinion is, the convocation did as little upon that occasion as it was possible to do, consistently with the necessity which existed of taking some notice of that gentleman, his opinions and conduct. Since that period, I really believe that the university, and the bishops of the Church of England, and all the persons who have any influence on this question, have done every thing in their power to put it down and prevent it becoming a subject of discussion, even in the university or elsewhere. For myself, I can say, I have invariably pursued that course, it being my object to prevent any discussion on the matter; and I never should have mentioned it, here or elsewhere, publicly, if the Noble Earl had not forced it upon me on the present occasion. I certainly lament the transaction, principally because I consider it is likely to produce a schism in the church; and I have been as anxious as any man can be in my situation to prevent the university from proceeding upon the subject in such a manner as may, by possibility, lead to that result.

The Noble Earl adverted to the conduct of a gentleman who is now Vice Chancellor of the university, and who has, in his capacity of head of a house, prohibited the attendance of the students in divinity upon the lectures of the Regius Professor. I do not at all pretend to be competent to mark the difference between the private and public lectures of the Regius Professor; but I certainly do not approve of the course taken by that gentleman. In my opinion, the question is not one to be considered by the head of a house; for, in fact, no ordination can be conferred by him or the Regius Professor of Divinity. Ordination can only be conferred by the bishops of the Church; and whether the students attend the lectures of the Regius Professor of Divinity, or those of the Margaret Professor, or of any other professor, I will say, it is the duty of the bishops of the Church to consider who are the persons coming for ordination, and whether they are qualified or not, without taking into consideration the certificates of the Regius Professor of Divinity, the head of a house, or any other individual. It is, I contend, the duty of the bishops to examine into the subject themselves, without reference to the certificate of any individual whatever. I must observe, however, with regard to the course adopted by the Vice Chancellor, that I am thoroughly convinced, not only from what that gentleman has stated to me, but from my own knowledge of that gentleman's conduct, and his character for candour and fairness, that he had the very wisest motives in pursuing that course from which he departed as soon as he found that the bishops of the Church had determined upon observing a different line, conceiving that he was then relieved from all charge and responsibility in the situation which he held. Such is the history of that transaction; and I have only to say, with respect to that gentleman, and with respect to others of the University of Oxford, that it was their anxious wish and desire to avoid taking any step in reference to Dr. Hampden, lest it should, in any manner whatever, lead to what they would consider the greatest possible misfortune — a schism in the Church.

I think I have answered the greater part of what has fallen from the Noble Earl. He thought proper, at the end of his address, to read a letter, and likewise an extract from a magazine, neither of which, I can assure the Noble Earl, I ever heard of. It is impossible for me to say, whether I concur or not in the opinions they contain; but, if I conceived they were at all of the nature which the Noble Earl has described, they certainly could not be more abhorred by him than by me. Without meaning any disrespect to the Noble Earl, I think the proper course for the House to pursue will be to reject the motion.

LORD BROUGHAM. — I beg leave to say a few words, by way of protest, against that part of the Noble Duke's statement with regard to Dr. Hampden, in which he asserted that the explanation given by that gentleman, of the opinions previously put forward by him, afforded a justification of the charge which has been made against him on account of those opinions. As well may it be said that I, in giving the fullest and most direct contradiction to a statement which has been put forth of my having committed a breach of good manners in suddenly quitting the royal dinner table, and in declaring that there was not a shadow of foundation for that statement being made, — that it was the coinage of the imagination of some person who had attempted to justify that allegation, ——

[Laughter, and cries of "Hear, hear!" from several Noble Lords.]

This only shows the truth of what I alluded to the other evening in reference to my Noble Friend (Viscount Melbourne), — the utter inutility of any explanation, or any denial of a calumny which it suits the purposes of any party to circulate.

The EARL of WINCHILSEA. — In reply to the observation of the Noble and Learned Lord, I beg to say that what was said by Professor Hampden was stated only in explanation, and not in contradiction, of the opinions contained in the pamphlet which had called forth animadversion on the part of the university. Moreover, that explanation did not satisfy the great body of the university, who originally took the matter up. With regard to that gentleman's appointment, it was well known at the time that his religious opinions were about to be made the subject of public animadversion in the university of Oxford. The university has, in my opinion, acted with great leniency towards the learned doctor, under the circumstances; and, as it appears to me that the object of the Noble Earl is to bring that individual's conduct before your Lordships, I sincerely hope you will coincide in the opinion expressed by the Noble Duke, that it is inexpedient on the part of this House to entertain such a proposition, and reject the motion of the Noble Earl.

VISCOUNT MELBOURNE. — I certainly do not think that there is anything to be condemned in the writings of Dr. Hampden. They are upon points of extremely recondite and difficult scholastic learning. Very few of your Lordships, indeed, have the means of forming any sound opinion upon such extremely nice, abstruse, and obscure points as those.

With respect to an intimation that was made to me upon the subject, from the university of Oxford, it seemed to me to have been made by persons who were utterly ignorant of the writings of Dr. Hampden. I know very little upon the subject, and yet I believe I know more than those who have opposed the doctor's nomination. I do not, in the slightest degree, conceive that there is anything to be understood in the writings of Dr. Hampden which is contrary to the doctrines of the Church of England. The Noble Duke has expressed the unfavourable opinions entertained at Oxford of Dr. Hampden; but I considered that he was the most worthy gentleman in the university to fill the vacant chair,—both from his learning, and his extent of knowledge. Upon his appointment, he gave, in an inaugural lecture, a statement of his opinions; but whether that statement contained a retraction or explanation, it is undoubtedly not for me to say. I believe it to have been an explanation of his opinions, entirely doing away with the charge which was brought against him; I believe it to have been a complete explanation, showing that those opinions were entirely consonant with the articles and doctrines of the Church of England. But, then the Noble has Duke said, that they were contrary to the opinions of a majority of the University of Oxford. But I cannot admit that that majority possesses any power to settle such disputed points, for the opinions of reformists are contrary to those entertained by a great majority of the University of Oxford. If these latter opinions had been generally entertained at the period of the Reformation, I believe that the Protestant religion would never have been established in this country. The opinions of Mr. Locke are contrary to those of the majority of the University of Oxford; and I beg leave to say, that if the opinions of that majority had alone been consulted, everything liberal, everything noble, everything free and ingenuous in this country, would undoubtedly not have been established in it. It was not my intention to take any part in this debate, and I have now only to say a word or two respecting the motion of my Noble Friend. It is, as I understand, for the production of a protest delivered by the Vice Chancellor of Oxford against the opinions of Dr. Hampden. I will not say whether it is within the competency or power of the House to grant this paper, or any paper of the same nature. I will not say that circumstances may not render such a thing expedient, but it is very unusual to ask for such a document, inasmuch as we have no way of enforcing its production, if refused, except by treating the refusal as a breach of the privileges and authority of this House. Conceiving, then, that my Noble Friend only makes this motion for the purpose of bringing the subject under discussion, I would submit to his discretion, whether it would not, under the circumstances, be better to withdraw it?

The ARCHBISHOP of CANTERBURY.—I should not have risen to say one word upon the motion, were it not for an observation which has fallen from the Noble Viscount the First Lord of the Treasury. I am certain that the Noble Viscount did not mean any disrespect to certain persons who waited on him relative to the appointment of Dr. Hampden to the Regius Professorship, when he stated that they appeared totally ignorant of the subject. I will not say whether I am ignorant of theology or not, or whether I am more ignorant of it than the Noble Viscount professes to be; neither will I now allude to the opinions of Dr. Hampden. Those opinions were announced in several publications, and I believe they gave dissatisfaction in various quarters. They were, however, of a totally different character from the opinions which produced the Reformation and the views of Mr. Locke. The question was, were the opinions maintained by Dr. Hampden consistent with the doctrines of the Church of England? Upon this point I will abstain from making any observation, now. I will not attempt to go into the subject. But I felt it my duty to make some representations to the First Lord of the Treasury upon the appointment; and I appeal to those Ministers who were in power previous to the present Ministry—I appeal to the Noble Duke and to a Noble Friend of mine who has just left the House, if I ever, upon any occasion, stood in the way of any man's preferment in the Church? Nothing but a sense of duty could induce me to remonstrate against this or any other appointment; but Dr. Hampden having against him the great majority of the university, many also of the ablest divines, I do not think that my conduct ought to meet the ridicule of the Noble Earl. There is so much contradiction in the Noble Earl's observations in his complaints respecting facts, that I feel much difficulty in understanding him. He says, that on some points there was a majority in the university for Dr. Hampden, and complains at the same time that he was in a minority. The Noble Earl at one time insists that the statutes must be altered, and then declares that they cannot be altered, because there is a statute that makes them unalterable. Then he proceeds to the case of Dr. Hampden. Had I known such to have been his intention before coming into the House, I should have endeavoured to dissuade the Noble Earl from such a course. Is it likely to do any good? Would it not be better to pass it over in silence? For my part, I have done every thing in my power to soften the matter in the university. The Noble Earl read a passage from a review. What right has he to assume that that review is the organ of the Church? What right has he to assume that certain sentiments must speak the feelings of the University of Oxford, because he has found them expressed in a publication? Similar sentiments may be entertained in an Oxford newspaper, or in some church magazine, of which there are many; but are such publications therefore to be called the organs of the Church? The Church has very different organs, and I hope it will adhere to them. I will not trouble your Lordships further than by again disclaiming and utterly protesting against that justly celebrated publication, the *Quarterly Review*, being considered the organ of the Church.

The EARL of RADNOR. — I beg just to observe, that it is generally understood that the review from which I have quoted speaks the sentiments of the Church. The truth is, that the doctrine laid down in the review is adopted in practice by the university. That doctrine is, that by an oath a person binds himself to God, and not to man. It is all very well to say that it would be more discreet to observe silence on the case of Dr. Hampden; but it should be recollected that he is the party injured, traduced, and insulted. I believe him to be as honest, as virtuous, and as honourable a man as any living. I have no doubt that all the hostility to him in the university arises from his having advocated the admission of the Dissenters. His theology was never censured before. On the contrary, he was appointed to the Professorship of Moral Philosophy. With respect to the alterations made in the statutes, I think that getting rid of the oath is a great advantage, but the subscription as now insisted upon is more objectionable than it was before; because persons even under the age of twelve are called upon to subscribe, and that as to matter of faith, not merely as to opinion or reason. As I have said my say on this subject, I will for the present rest satisfied, and will, by leave of the House, withdraw my motion.

The motion was then, by leave, withdrawn.

WEST INDIA SLAVERY.

LORD BROUGHAM. — Seeing my Noble Friend the Colonial Secretary in his place, I wish to ask him when it is likely that he will be able to lay upon the table of the House the Returns for which I have moved?

LORD GLENELG. — I am happy to be able to answer satisfactorily the Noble Lord's question; for, having the Returns in my hand, I will now lay them upon the table.

The Noble Lord then laid on the table an Account of the value of all Exports to the British colonies in the West Indies, and to the Mauritius, for ten years, ending the 5th of January, 1837; distinguishing the years and the colonies. — Delivered (pursuant to an order of the 12th instant), and to be printed.

SLAVERY COMPENSATION BILL.

On the motion of LORD GLENELG, this Bill was read a second time, and committed to a committee of the whole House to-morrow; and the Lords summoned.

PAPERS, &c.

Account (in part) of all sums of money awarded by the Commissioners of Slavery Compensation, specifying the date of each order, the parties to whom the payment is awarded, and the colony or settlement in respect to which it is awarded on uncontested claims (comprising the colonies of Jamaica, Antigua, Honduras, St. Christopher's, Grenada, Dominica, Nevis, Virgin Islands, St. Lucia, British Guiana, Montserrat, Bermuda, Bahamas, Tobago, and St. Vincent). — Delivered (pursuant to order of the 24th of November last), and to be printed.

Copy of an abstract of Return made by the receiver general and clerks of vestries of the several parishes of Jamaica to the House of Assembly of the island, on the 22d of February, in pursuance of the order of that House, dated the 9th November, 1836; showing the amount raised in the island, and applied by the Assembly and the parochial vestries for the Church establishment, and for the support of schools and education, in Jamaica, for five years, ending the 30th of September, 1836; and, also, any public information, or extracts from any despatches, showing any grants subsequently made for either of those purposes. — Delivered (pursuant to an address of Thursday last); to be printed.

On the motion of the DUKE of WELLINGTON, an Account was ordered, showing the amount of monies which would have been applicable to the Civil Government in England if the hereditary and temporary revenues of the Crown enjoyed by his Majesty King George II. had been enjoyed by succeeding Sovereigns, distinguishing their reigns; that is to say, by his Majesty King George III., from the 25th of October, 1760, to the 29th of January, 1820; by his Majesty King George IV., from the 29th of January, 1820, to the 26th of June, 1830; and by his Majesty King William IV., from the 26th of June, 1830, to the 21st of June, 1837; and in each reign distinguishing the receipts of each year, and distinguishing, also, the hereditary and the temporary revenue of the Crown respectively; showing, also, first, the amount of the annuity received by their late Majesties in lieu of those revenues; secondly, the amount of monies granted by Parliament for the discharge of the civil list debt during the said period; and, thirdly, the difference to the nation upon the balance of the said account, in respect to each reign, so far as the same can be ascertained.

Copy of warrant granting compensation to John Munro, ordinary macer of Court of Session (Scotland): and, also,

Accounts of the second remembrancer of the Court of Exchequer in Ireland.

Delivered (pursuant to Acts), and ordered to lie on the Table.

List specifying the particulars of the compensation proposed to be granted to certain persons late in the service of the East India Company (No. 78.). — Delivered, and ordered to lie on the Table.

Adjourned.

HOUSE OF COMMONS.

PRIVATE BUSINESS.

Belfast Waterworks. — *Wibsey and Huddersfield Road.* — Petitions for Bills severally referred to the Select Committee on Petitions for Private Bills.

Schwann's Naturalisation Bill. — *Saffran's Naturalisation Bill* — *Ionides's Naturalisation Bill.*—Severally reported, without amendment; read a third time, and passed.

Bratton Flemming (Devon) Inclosure Bill, — "For inclosing lands in the parish of Bratton Fleming, in the county of Devon." — Presented, and read a first time; to be read a second time.

Saltash Floating Bridge. — Petition for Bill referred to the Select Committee on Petitions for Private Bills.

PUBLIC BUSINESS.

ELECTION PETITION.

Mr. SPEAKER, acquainted the House that John Wood, and the other electors, who petitioned this House upon the 6th day of December instant, complaining of an undue election and return for the borough of Sligo, had not entered into a recognisance in respect of such petition, according to the directions of an Act passed in the ninth year of the reign of his late Majesty, King George IV., intituled, "An Act to consolidate and amend the Laws relating to the Trial of controverted Elections, or Returns of Members to serve in Parliament."—Order for considering petition on Thursday, the 15th day of February next, read, and discharged.

Mr. SPEAKER also acquainted the House, that Samuel Hart, and the other electors, who petitioned this House upon the 6th day of December instant, complaining of an undue election and return for the borough of Belfast, had not entered into a recognisance in respect of such petition, according to the directions of the said Act. — Order for considering petition on Tuesday, the 13th day of February next, read, and discharged.

Mr. SPEAKER also acquainted the House, that James Stewart, and the other electors, who petitioned this House upon the 6th day of December instant, complaining of an undue election and return for the city of Waterford, had not entered into a recognisance in respect of such petition, according to the directions of the said Act. — Order for considering petition on Thursday, the 8d day of May next, read, and discharged.

EVESHAM ELECTION PETITION.

Mr. GODSON. — I beg leave to give notice that, on the 6th of February, I shall move for the appointment of a select committee to inquire into the unparliamentary and fraudulent manner in which the petition against the members for the borough of Evesham was concerted, and the sureties became bound in their recognisances.

Mr. WAKLEY. — I object, Sir, to the terms in which the Honourable Gentleman has framed his notice, because I hold them to be highly informal and improper. The notice assumes the fact, that the petition referred to has been got up in an unparliamentary and fraudulent manner; and I apprehend that no notice ought to be given which, at once, prejudges the question on which it bears.

SIR JOHN HOBHOUSE. — I certainly think that the terms in which the notice is given are very unusual, and admit of modification. It would answer every purpose which the Honourable Gentleman has in view if he would strike out the words which go to attach a certain character to the Evesham petition.

Mr. GODSON. — I beg leave to say, that I should not have given such a notice had I not known the facts to be as I have stated them; and therefore I do not see why I should alter the terms of my notice.

The ATTORNEY GENERAL. — I quite agree in the view which has been taken by the Honourable Member for Finsbury (Mr. Wakley), and by my Right Honourable Friend the President of the Board of Control (Sir John Hobhouse). I would, therefore, suggest to the Honourable Gentleman the propriety of striking out the words "unparliamentary and fraudulent."

The SPEAKER. — The feeling of the House always has been that, with reference either to election petitions or any other matters, it is highly improper to adopt any proceeding or to use any language the effect of which may be to prejudge a pending inquiry before a committee of the House. It is, therefore, for the House to decide upon the admissibility of the words now objected to.

Mr. GODSON. — Seeing the feeling of the House is against me, I will withdraw the notice, and will reframe it in the course of the evening.

MISCELLANEOUS PETITIONS.

The following petitions were severally presented; viz.:—

Ballot, — By Mr. Tancred, Mr. Wakley, Mr. Grote, The Attorney General, and Mr. Hume, in favour of,— from Banbury; Debenham; Edinburgh; Council of the Errol and Carse of Gowrie; and J. A. Roebuck, chairman of a meeting of electors and inhabitants of Finsbury.

Distillery Laws (Scotland), — Of proprietors and occupiers of lands in Forfar, for assimilating the Distillery Laws of Scotland to those of England and Ireland.

Hand-loom Weavers, — By Mr. Hesketh Fleetwood, signed by 2560 hand-loom weavers, of Preston, praying for relief, and alleging that many of them were earning not more than a penny a day.

To lie on the Table.

Postage, — By Mr. Chalmers and another Honourable Member, for establishing an uniform low rate of postage,— from Streatham and Arbroath. — Referred to the Select Committee on Postage.

Dorchester Labourers,—By Mr. Leader, —from seven or eight hundred persons, inhabitants of Pimlico and Westminster, for inquiry into the cause of the Dorchester Labourers not having arrived in this country.

Mr. HUME. — Seeing the Honourable Gentleman the Under Secretary for the Colonies in his place, I beg to ask, whether the orders issued by Government respecting the Dorchester labourers have been carried into effect, as a number of applications have been made to me on the subject?

SIR GEORGE GREY. — The order for the remission of their punishment has been forwarded to New South Wales, and there can be no doubt that the parties are now on their voyage home; but I will make further inquiry into the matter.

Universal Suffrage, — By Mr. Leader and Mr. Wakley, in favour of, — from Cirencester and Basford. — To lie on the Table.

Poor Law Act, — By Mr. John Fielden, for repeal or amendment of, — from chairman of a meeting at Dewsbury, chairman of the Foleshill board of guardians, and George Robert Wythen Baxter. — Referred to the Select Committee on the Poor Law Act.

Pensions Committee,—By Mr. Wakley, —from St. George and St. Giles, Bloomsbury, for placing Mr. Harvey on the committee.

Recovery of Tenements Bill, — By Mr. Wakley, — of William Theobald, against.

Registration of Births, &c. Act, — By Colonel Sibthorp, — of clergy of the county of Lincoln, for repeal or amendment.

Edinburgh University, — By the Attorney General, — of Alexander Brunton, Preses of the Senatus Accademicus of the University of Edinburgh, — complaining of the graduates of that university being obstructed in their practice in London, by the privileges and by-laws of the Royal College of Physicians.

Recovery of Tenements Bill, — By Mr. Hawes, — of freeholders, copyholders, and others, within the metropolitan boroughs, in favour.

To lie on the Table.

Informers, — By Mr. Hawes, — from Marylebone, praying that an effectual stop may be put to the occupation of common informers. — Referred to the Select Committee on Metropolis Police.

Sodor and Man Bishoprick. — By Sir William Follett, — of the dean and chapter of Exeter, against suppression of.

Cruelty to Animals (Ireland) Act,— Of Members of the Society for the Prevention of Cruelty to Animals, in Belfast, for extension of the Act by limiting the number of passengers drawn in one-horse vehicles.

Tithes (Ireland), — Of James Charles Mulligan, for abolition.

To lie on the Table.

RETURNS, &c.

The following Returns and Papers were severally ordered and presented; viz.: —

Land-tax (St. James's, Westminster). — On the motion of COLONEL EVANS, a Return was ordered, —

From the Commissioners of Land-tax, in the parish of Saint James, Westminster: —

Showing the total amount of monies arising from any excess of collection in the assessments of any former year or years, remaining in the hands of any collector or collectors, or any other person or persons, on the 5th day of April, 1821; also, the amount of arrears due on assessments of former years, at the same period.

Showing the following particulars respecting the quotas, assessments, collections, and appropriations of the sums raised in aid of the land-tax for each year, respectively, from the 5th of April, 1821, to the 5th of April, 1836, as follows: —

The amount of unredeemed quota.

The total amount assessed to meet the same.

The total amount collected.

The total amount of arrears collected in each year.

The amount paid to the receiver general, and the date of such payments, and on account of what year paid.

If the excess collected has been applied in aid of future years, in pursuance of the Act 6 Geo. IV. cap. 32. sec. 2.

If for other purposes, the items for which it has been applied, and the authority for such appropriation.

Also, the names of the several assessors and collectors of land-tax; the amount received by each for poundage for the last seven years, respectively; and, if any other allowance, the items of such in each year; also, if they collect personally or by deputy, if so, their names, and by what authority such deputies are appointed and authorised to collect the said taxes.

Established Church. — Copy presented, of Fifth Report of Commissioners appointed to consider the state of the Established Church in England and Wales, with reference to ecclesiastical revenues (by command).

Colonel Verner. — Copy presented of correspondence between her Majesty's Government in Ireland and Colonel Verner, with respect to his removal from the offices of Deputy Lieutenant and Justice of the Peace (ordered 5th of December). — To lie on the Table.

Sheriffs' Courts. — On the motion of LORD JOHN RUSSELL, an address was ordered for —

Returns of the number of issues directed to be tried before the sheriff under the provisions of 3 and 4 Will. IV. c. 42., in each of the years 1834, 1835, 1836, and 1837; distinguishing those in which the sum endorsed on the writ of summons exceeded 10*l*., and those in which it was 10*l*. and under.

Number of writs of inquiry of damages executed by the sheriff in each of the same years; distinguishing those in which the verdict or finding exceeded 10*l*. and those in which it was 10*l*. and under.

MUNICIPAL BOUNDARIES BILL.

"To settle the boundaries and wards of certain cities and boroughs in England and Wales," presented, and read a first time; to be read a second time on Friday, the 16th day of February next, and to be printed.

MESSAGE FROM THE LORDS,

That they have agreed to Municipal Officers' Declarations Bill, with amendments.

ANNUITY TO HIS R. H. THE DUKE OF CUMBERLAND, NOW KING OF HANOVER.

MR. HUME. — I beg leave to give notice that, on the third Tuesday in February, I shall move for leave to bring in a Bill to suspend the payment of the annuity of 6000*l*. granted by 46 Geo. III. c. 145., and 47 Geo. III. c. 39.; and of the annuity of 15,000*l*., granted by 1 Geo. IV. c. 108., to his Royal Highness the Duke of Cumberland, now King of Hanover, so long as his Royal Highness shall continue to be King of Hanover. I give my notice in the way I have done, because I understand the rule of the House to be, that no notice shall be given for any day falling beyond the fourth notice day from the date of the notice.

The SPEAKER. — The notice of the Honourable Member cannot be received, because we do not know to what day the House will be adjourned.

Mr. HUME. — Then, to remove all difficulty, I will give notice for after the recess.

ADJOURNMENT OF THE HOUSE.

LORD JOHN RUSSELL. — I give notice that on Saturday I will move that the House adjourn till the 1st of February.

MALTA.

Mr. HUME. — Soon after the House met, I inquired of the Under Secretary for the Colonial Department, whether any objection existed, on the part of Government, to lay on the Table of the House the reports of the commissioners appointed to inquire into the grievances of the Maltese. I now wish to ask the Honourable Gentleman in what state the reports are, and when the House may expect them to be laid on the Table?

SIR GEORGE GREY. — I had expected they would have been ready for presentation before the recess. I am afraid they cannot now be laid on the table before the adjournment of the House; but, to obviate all delay, it is the intention of Government, on receiving them, to have them immediately printed for distribution among Honourable Members.

DUCHESSS OF KENT'S ANNUITY.

COLONEL SIBTHORP. — I wish to ask the Noble Lord the Secretary for the Home Department whether it is the intention of Government to evade the motion of which I have given notice respecting the annuity proposed to be settled on her Royal Highness the Duchess of Kent? I want to know if an opportunity will be allowed me of taking the sense of the House on it this evening?

LORD J. RUSSELL. — The Government have no intention of evading the motion of which the Gallant Officer has given notice. I am anxious to bring on the Bill respecting the Duchess of Kent's annuity. I was in hopes that the Bill would have come on yesterday, and I attended with my Right Honourable Friend the Chancellor of the Exchequer shortly after four o'clock, in order to be present at the discussion. If the House will allow the Bill to come on to-night, the Gallant Officer's motion will be immediately considered; but if they are not prepared to do that, I cannot say when the motion will come before the House.

COLONEL SIBTHORP. — The Noble Lord and the Right Honourable Gentleman ought to have recollected, that if a sufficient number of Members was not present, the House would adjourn, and ought, therefore, to have attended before four yesterday.

DR. HAMPDEN.

Mr. C. LUSHINGTON. — I beg leave to ask a question of the Noble Lord the Secretary for the Home Department. The Noble Lord has doubtless seen in the public journals, a document purporting to be a protest signed by the Reverend Doctor Hampden, Regius Professor of Divinity in the University of Oxford, complaining of the nomination, under the authority of the Vice Chancellor, of select preachers for the University, without his (Dr. Hampden's presence and concurrence, thereby, to use Dr. Hampden's own words, "violently infringing" on his rights as Regius Professor of Divinity. The Noble Lord, however, has probably official cognisance of the transaction; and, I would beg leave, therefore, to ask him to describe to the House what course of procedure the Queen's Government have adopted, or may propose to institute, for the purpose of vindicating the dignity of her Majesty, which has been thus grievously offended by the insult offered to her Majesty's Regius Professor of Divinity?

The SPEAKER. — Order! I beg to suggest to the Honourable Gentleman, that it is always desirable that Honourable Members, in putting a question, should make use of no expression calculated to lead to a discussion.

LORD J. RUSSELL. — I can only say, that no application has been made to me by the reverend professor on the subject of the protest, nor, so far as I am aware, has such an application been made to any other Member of the Government. I may add, that it is not at present the intention of Government to institute any proceedings in consequence of the protest.

LATE HOUSES OF PARLIAMENT.

Mr. WARBURTON. — I understand

there is an impression that I stated, on the late discussion respecting compensation to the officers of the House for damage sustained at the fire in 1834, that the sum of 500*l.*, which the late Speaker claimed from the Treasury for certain articles of furniture then destroyed, was demanded in return for a sum of equal amount paid by the Speaker to the late Lord Chamberlain. Now, I could not have said this, being fully aware that the consideration given by the late Speaker to the Lord Chamberlain for the possession of the furniture was merely nominal.

SHERIFFS' COURTS.

CAPTAIN PECHELL. — As I see the Attorney General is in his place, I beg leave to ask him whether the law officers of the Crown have any intention to bring forward a Bill to extend the jurisdiction of Sheriffs' Courts?

The ATTORNEY GENERAL. — The Lord Chancellor (in conjunction with the Judges) is now considering the subject. The Noble and Learned Lord has not yet arrived at any decided conclusion, but I can assure the Gallant Officer that I will communicate to him the Noble Lord's determination before the recess, and if the Noble and Learned Lord does not bring in a Bill on the subject, I will undertake that duty.

LANDLORDS AND TENANTS.

Mr. AGLIONBY. — I wish to ask the Attorney General whether he means to bring in any measure to amend the law regarding landlords and tenants?

The ATTORNEY GENERAL. — I have no intention to take the subject out of the Honourable and Learned Gentleman's hands, but I shall be most happy to lend him every assistance in my power.

Mr. AGLIONBY. — I must say, that hitherto I have derived no advantage from the Attorney General's assistance, except that of never seeing him present when the subject was under discussion.

NEWSPAPER STAMPS.

Mr. BORTHWICK. — I beg to move that the return of the number of stamps issued to newspapers in Great Britain and Ireland, ordered till the 1st of November on the motion of the Honourable Member for Marylebone, be extended till the 1st of December.

Mr. F. BARING. — A return up to the 1st of December could not be made out before the recess. I have not the slightest objection to extend the return to the latest date practicable.

Mr. BORTHWICK. — I will postpone my motion till to-morrow.

TITHE ON FISH.

CAPTAIN PECHELL. — I wish to ask the Noble Lord the Secretary for the Home Department whether any report may be expected from the tithe commissioners on the present state of the tithe on fish?

LORD J. RUSSELL. — I am sorry to say that very little progress has been made in examining this subject. The commissioners have met with very few cases of voluntary commutation in which the tithe on fish is concerned. The assistant commissioners have, however, been desired to report on every such case, as it would hardly be expedient to incur the expense of a separate commission to inquire into the subject. I will proceed to move the dropped orders of Wednesday, as I wish to bring on the Duchess of Kent's Annuity Bill,

COMMITTEE ON THE PENSION LIST.

Mr. HUME. — I wish to ask the Noble Lord whether the Committee on the Pension List will meet before the recess? If its meeting be postponed till after the holidays, the commencement of the inquiry will be inconveniently delayed.

LORD JOHN RUSSELL. — I cannot answer the question at present.

LIMERICK COUNTY ELECTION.

On the motion of Mr. FRESHFIELD, debate resumed on question (19th December), that Edward Hallows Plumptree be called to the bar.

Question again stated. Question put, and agreed to.

Mr. Plumptree called in, and examined, upon oath, by

Mr. FRESHFIELD and other HONOURABLE MEMBERS. — Is agent for George Eyre Massey, in the petition against the late return for the county of Limerick. The petition against the return was lodged on the 4th of December. The recognisances were completed in Ireland, and forwarded to the Speaker in the usual manner. No objection was made to the recognisances, but a formal objection was taken to the petition on the ground that the affidavit of the sufficiency of the sureties was sworn to previous to the day on which the petition was lodged. The recognisances were quite regular. In strict practice the affidavit, as to the sufficiency of the sureties, should have been sworn on the same day that the petition was sent in. Was aware of this objection on the 5th of December, and wrote on that day to the agent in Ireland, stating that the objection had been made, but has received no answer. His object in writing to Ireland was to procure fresh affidavits to meet the objection. Did not apply to the examiner till the 8th, in the hope that he might have received the necessary affidavits from Ireland. Is not personally acquainted with the sureties.

The witness was then ordered to withdraw.

Mr. FRESHFIELD. — I will now move that the entry in Journal (9th January, 1807, petition respecting Penryn election) be read.

Entry read accordingly.

Mr. FRESHFIELD. — By the Journal entry, which has just been read, it appears that the House in the case there referred to granted a stronger measure of relief than I am now, in the Limerick case, about to ask. In the Penryn case the affidavits were sworn, and recognisances entered into, thirteen days before the petition was presented; and although this was a direct violation of the Act of Parliament, the House decided upon granting the relief required. Here, then, I have a sufficient precedent to justify me in the course I am about to adopt. Now, it must be borne in mind that in the present case the recognisances were entered into in the regular manner, the only objection being that the affidavit of sufficiency was sworn eight days before the petition was presented. I submit, then, that the only question for the House is, whether these parties who were solvent on the 25th of November were equally solvent on the 2d of December? The petition complaining of the return of the sitting Member was entered regularly in the Hanaper Office in Ireland, and the parties to this petition have, by every means in their power, shown that they are fully prepared to proceed with it. The same parties who swore the affidavits were entered as sureties, and are still willing to be so. I trust, under these circumstances, that the House will not consider the mere formal objection that has been raised sufficient to set aside this petition, and prevent the merits of the election from being made the subject of inquiry. The motion I will now submit is, "That the time for entering into recognisances in the case of the Limerick county election petition be enlarged till Monday, the 1st day of January next."

Mr. WOULFE. — The case which the Honourable Member has referred to is sufficient to establish this,—that the House, on an application being made in proper time, can grant relief even where greater errors have been committed than that which by the present motion it is sought to remedy. I admit that the case of 1807 establishes this. But, Sir, how stands the matter here? A fatal error has been committed. It was known to the agent on the 5th of December; and yet he does not come to the House for assistance until the fourteen days allowed by the Act for completing the recognisances are about to close. On the 18th of December he comes forward, for the first time, to ask the House to allow a remedy to an error, of the existence of which he was aware on the 5th — thirteen days before. The Honourable Gentleman opposite says that the mistake in this case is of no importance, and that the only question for the House is, have those parties who were solvent when the affidavits were sworn now become poor and insolvent? The Honourable Member is in error. The case is this: the affidavit, having been sworn before the petition was presented, is null and void, and is now in the hands of the examiner as mere waste paper. The making of the affidavit previous to the petition being presented subjects the party to no liability as regards such petition. In fact, the justice has no power to administer the oath except in accordance with the provisions of the Act of Parliament. The question, then, is, — the parties having been aware that, in swearing affidavits which the Act would not recognise, they involve themselves in no responsibility, is there any ground to suppose that they are willing, now, to renew them at that stage of the proceedings which will render them valid? On the contrary, the delay that has taken place since the agent was informed of the error affords, in my mind, sufficient proof that they have refused to do so. I think, Sir, the House will concur with me in opinion, that the circumstances of the case now before them are such as will in no way justify them in extending the relief that has been asked.

The SOLICITOR GENERAL. — I would propose to call in the witness, in order that we may know how it was that, having the knowledge of the error on the 5th, he did not make earlier application.

Mr. Plumptree again called in, and examined, upon oath.

The SOLICITOR GFNERAL. — You have stated that you were made aware of the objection on the fifth; why did you not apply to the House for relief sooner? —I wrote, on the 5th of December, to the agent in Ireland, informing him that I thought it probable that an objection would be taken; but I have received no answer from him since.

By the SOLICITOR GENERAL.— Might you not, by the usual course, have received an answer in six days? — Probably I might.

By Mr. AGLIONBY. — I told my correspondent in my letter, that he had better get another affidavit sworn, and forward it to me, and then I knew there would be no objection.

By Mr. LEFROY.— Thinks the original affidavit would have been sufficient when it was presented. Concludes, from not having received an answer from the agent in Limerick, that the letter has not reached its destination. Has no copy of the letter. Delayed making the application till the last moment, in order to receive the answer from Ireland. Not having received any answer, accompanied by new affidavits, on the last day allowed by the examiners, went before them upon the old. Would not have done so if others had arrived.

The witness was then ordered to withdraw.

Mr. GODSON. — This case is very similar to one that was brought under the notice of the House the other evening, when it was stated, that a person having two sets of recognisances, put in the bad first, and upon an objection being made, substituted the good. I hope the same rule will be applied in both cases. There is no other difference but this, that the objection, in the one case, was to the recognisances, whilst here, it is to the affidavit; we gave time then, and we ought to do the same now. All that the House requires is, the sufficiency of the recognisances; and it has been decided, in some half dozen election petitions emanating from the other side, that where there is no bad faith, or fraud, in the matter, the House ought to grant relief. I hope, therefore, we shall not, now, have it contended by Honourable Gentleman opposite, that the affidavit in this case is wrong, and that the House cannot enlarge the time in order to its being amended.

The SOLICITOR GENERAL. — The only question is, whether this is a case of gross negligence, or not? On the first blush of the matter, I certainly thought the indulgence of the House ought not to be granted; but, still, the House ought not to infer fraud, unless it is clearly made out. After having heard the evidence of the witness, I am of opinion that this case does come within the same principle as was acted upon in the Sligo case, namely, that the error was a mere oversight, and that it is in the power of the House completely to cure it. You cannot make an affidavit good in law which is bad in substance; but you can give farther time to correct any mistake. I do not think, however, that it is necessary to enlarge the time till the 1st of January, but so long only, as will enable the parties in Ireland to forward proper affidavits to London.

Mr. AGLIONBY. — I fully concur in the opinion which, on a former evening, was expressed by the Right Honourable Gentleman in the chair, namely, that in these cases we ought to adhere to the strict rule; but, having granted indulgence in various other cases, I can see no reason why we should refuse it in this. Here there appears to have been an error committed without blame being attachable to any party; and, although all such mistakes imply negligence, I do not think there is that degree of negligence in this, which would justify me in opposing the motion.

SIR W. FOLLETT. — I think we should better consult the character of the

House by not entertaining these matters; and I am the more convinced of this when I see Honourable Gentlemen take different views upon the various cases, just as these happen to affect their own party. In fact, we cannot help considering these as party questions; they are treated as such, and the decisions we come to with respect to them are party decisions. I regret, much, that the House has interfered in such cases; for my own part, I would not grant indulgence in any one instance; but, as we have granted it in some cases, we cannot refuse it in others; and as it seems to me that the feeling of the House is in favour of the present application, I will not oppose it. I think that if such interference be justifiable at all, it is so in the present instance.

MR. WOULFE. — I contend that no case, calling for the interference of the House, has in this instance been made out. The agent has written to his correspondent at Limerick, stating the objection to the affidavits that had been put in, and requiring others, sworn in conformity with the Act of Parliament, to be forwarded to him. The time when he might naturally expect an answer has long since expired, and none has arrived. What other inference can be drawn, but that the sureties are unwilling to swear new affidavits? It does appear that not only neglect, but fraud, is manifested in this case. It would seem that the parties knew that the affidavits sworn to in November were useless, and that they are not now prepared to make such affidavits as would be valid and binding. We have no right to suppose that the letter sent by the agent here did not reach Ireland; on the contrary, we must conclude that it did; that the party to whom it was addressed received the letter; that he informed the sureties of the necessity for other affidavits, and that they refused to make them. I trust that the House will consider well before it decides upon granting its indulgence in such a case.

MR. G. F. YOUNG. — I can see nothing whatever in the case to justify the inference that the parties are unwilling to renew the affidavits. I agree, in every respect, with the view taken by the Honourable and Learned Member for Exeter (Sir W. Follett), namely, that the House ought in no instance to deviate from the strict rule as laid down by the Act of Parliament; but, having already done so, we must deal out even-handed justice to all; and I think I can say that, having attended the discussions on the former cases, I do not remember one in which a stronger claim to the indulgence of the House was made out than in this.

SIR T. FREMANTLE. — I hope the House will adopt the opinion of the Solicitor General for England rather than that of the Attorney General for Ireland. The House has lost its character for strict adherence to rule; but it has still a character for consistency; and having granted indulgence in similar cases, it cannot refuse to do so in this. We must maintain a character for even-handed justice, and extend relief in all cases, or none.

AN HONOURABLE MEMBER. — There can be no doubt that by due course of post, the witness might long since have received an answer to his letter. I acquit the witness of any fraudulent intention whatever; but I do say that strong grounds of suspicion rest upon the parties who concocted these affidavits, and I hope the House will not give its sanction to such proceedings by granting the present application.

MR. FRESHFIELD. — Supposing the affidavits to have been irregular, still the recognisances would have been binding on the sureties, against whose sufficiency no objection has been made, and in the event of the petition being declared frivolous and vexatious, the amount of whose liability could have been enforced. No intention of fraud can be inferred from the conduct of any party. The agent thought it prudent to write to Ireland in order to have the affidavit corrected, and thus the delay originated. The extension of time asked will inconvenience no one: the Speaker will not be detained in town, the affidavits will be sent from Ireland, and will be received through the proper officer. If we are, on the mere *ipse dixit* of an Honourable Member, to infer fraud, there will be no justice for any party who may come before us. I feel for the honour of the House as well as for its justice; and it is upon that ground that I hope it will not hesitate to grant the relief I now ask.

MR. MAULE. — Having paid much attention to this discussion, and to the evidence of the witness who has been examined at the bar, I am decidedly of opinion that this is a case in which the House cannot extend its indulgence. The Honourable and Learned Member for Exeter (Sir W. Follett) has lamented that the House has entertained these questions at all. He says, that he should have been glad if the House had refused to entertain any such applications, but that, having done so in some cases, he thinks we are bound, in order to preserve our consistency, to extend the same principle in all; and he has rested the right of the present petitioner on this ground alone. Now, however much the Honourable and Learned Gentleman may be dissatisfied with the House for entertaining such applications for relief, it must not be forgotten that it is the law of the land which confers on us this jurisdiction. The House must recollect that these applications are made under a clause in the Act of Parliament which gives the House of Commons the power to entertain them, and to grant relief where it is required. It is not more competent for the House to say, "We will abide by the strict rule, and will in no case entertain applications for indulgence," than it would be for us to say, "We will not entertain election petitions." In both cases the act of the Legislature has conferred upon us certain powers which we are bound to exercise. The Honourable and Learned Gentleman then says, that all these questions are brought forward and discussed as party questions, and that the decisions upon them are party decisions. Why, can we have a stronger proof to the contrary than in the present instance? Has not my Honourable and Learned Friend the Solicitor General, with that spirit of fairness and impartiality which always distinguishes him, declared that he shall support the motion for granting indulgence in this case, notwithstanding that the application comes from that party to which he is politically opposed? I do not say there was any bad intention on the part of the agent; but it cannot for a moment be doubted that there was great negligence, to use the mildest term. He has stated that he wrote to Limerick on the 5th of December; no answer was received; why did he not, knowing the urgency of the case, write again on the 12th, 13th, or 14th? I say, this is matter of gross negligence, not as to any matter of law, upon which some difference of opinion might exist, but upon a plain matter of fact.

The Sligo case has been referred to in the course of this debate, and it has been said by an Honourable Gentleman on the other side, that this case rests upon the same grounds. Now, I think there cannot be a more erroneous opinion. The Sligo case was fully inquired into, and I believe all in the House, with the exception of one Honourable Member on the other side, were convinced that the indulgence of the House could not, with any justice, be refused. The error that was sought to be remedied was upon a mere matter of legal form, with respect to which many lawyers entertain different opinions. In the Carrickfergus case, in which the two sets of recognisances were prepared, there was no application for relief, the good recognisances having been put in and accepted upon the others being refused. In all these cases we are bound to look at the facts before we grant indulgence, — we are bound to see whether the parties have been guilty of gross negligence, or not. Here is a case of gross negligence, not to say suspicion. The petitioner is a lawyer, and is bound to know something of the Act of Parliament; but, having discovered the error sixteen days ago, he does not think it necessary to apply to this House till the very last moment. I shall certainly give my vote against this motion, at the same time repudiating the idea that I am induced thereto by any party consideration whatever.

Mr. PEMBERTON. — I think the Honourable and Learned Gentleman who has just sat down has somewhat misunderstood the meaning which my Honourable and Learned Friend near me (Sir W. Follett) intended to convey. My Honourable and Learned Friend did not contend that, because we have granted indulgence in one case, therefore, we are bound to do so in all others, without reference to the particular acts occurring in the various cases: but that it would have been far better had the House adhered strictly to the Act of Parliament in the first instance, instead of occupying its time in these most inconvenient and very unsatisfactory discussions; for it is notorious that, in cases similar to the present, the votes and judgment of Honourable Members are generally governed by their political feelings, and the justice or legal merits of the application for indulgence are seldom taken into consideration. There is, however, one principle which I think the Act of Parliament implies, — that is, if, in any case, a mere unintentional error has been committed, — an error that could be corrected without injury to any party, — the House might, in such case, extend its indulgence.

Here, then, is a case in point. Can any man say that the error, here, was committed for the purpose of fraud, or that it is more than a mere error of technical form? The sureties were solvent and sufficient at the time of making the affidavit, and their solvency and sufficiency are not disputed now. Why, then, should we refuse to permit them to give that formality to the affidavits which it is held by some, — though by others it is doubted, — are necessary to render them valid and binding upon the parties? Can any man say that there is the slightest ground for imputing fraud in this transaction? Can any man say that the sitting Member was, in any way, prejudiced by the affidavit being sworn before the time of presenting the petition? And would it be just or consistent for the House to say, "We will not entertain this application; we will not grant indulgence here, although we have done so in other cases of a similar nature?"

What was the ground upon which the House decided in the Sligo case? Was it not that a mere technical error had been committed which could in no way affect the case, and which, therefore, ought to be allowed to be set right? And was not the decision in the Dudley case on the same grounds? In that case, an error had been committed; but, as there appeared a *boná fide* intention on the part of the petitioner to prosecute the petition, and as the opposite party could not be prejudiced thereby, the House, on these considerations, thought fit to grant the indulgence required; and I may say, that if ever there was a case in which the House was justified in refusing the application on the ground of negligence, it was that of the Dudley petition. On one day an order was made, granting the relief required. That was not taken advantage of; but, on the following day, the party came again, and obtained another order for extending the time as to himself, as well as to the sureties to whom the indulgence had been granted by the previous order. Now, I contend that that proceeding was in direct violation of the statute which confines the power of the House of enlarging the time to enter into recognisances to one exercise, only, in any particular case.

The Honourable and Learned Member opposite has argued, that questions of this kind must not be considered as party questions, inasmuch as my Honourable and Learned Friend the Solicitor General has declared his intention of voting in favour of the present motion. I rejoice to say that, on all occasions, my Honourable and Learned Friend displays, not only sound judgment as a lawyer, but high honour as a senator, and that this is not the first time that my Honourable and Learned Friend has voted against the opinion of Honourable Gentlemen on his own side of the House when he has, conscientiously, differed from them. This, however, does not prove the absence of party bias with respect to other Honourable Members; neither does it show that Honourable Gentlemen opposite vote, in all cases, consistently with what they believe to be the law. If the House is of opinion that the indulgence was properly granted in the other cases, I trust that it will, for its own credit, rather than for any interest I take in this or any other such case, grant the present application, and that Honourable Gentlemen on the other side will not, for the mere purpose of serving their own political party, "vote that black is white, and that white is black."

Mr. JERVIS.— Seeing a disinclination to divide, I should not, but for the charge which the Honourable and Learned Gentleman has brought against this side of the House, have offered a single observation. The Honourable and Learned Member has said, that his Honourable and Learned Friend the Solicitor General is the only Member on this side who will give an honest vote on this or any similar question. Now, I beg to say, that I feel myself bound neither by the opinion of the Honourable and Learned Solicitor General, nor by that of the Honourable and Learned Member for Ripon. I fully agree that the House, having granted indulgence in certain cases, is bound to do so in all, provided that equally good reasons for doing so be proved; but, I apprehend that all applications of this kind must be brought forward upon two grounds, which must be proved before the House can grant the indulgence required. First, it must be shown that some actual mistake has been committed; and, secondly, that there has been no *laches* on the part of the person applying for time. My Honourable and Learned Friend may say, "Here is a case of actual mistake," and it may be perfectly clear that it is so; but then comes the question, whether there has been *laches* or not on the part of the individual who claims this indulgence. I think there has been. Between the present case and that of the Dudley election petition there can be no analogy, for in this not less than sixteen days have elapsed between the discovery of the mistake and the expiration of the time allowed for entering into the recognisances; whilst in the Dudley case the error was discovered and the application made on the same day, — that latter being the last for completing the recognisances.

The Honourable and Learned Member (Mr. Pemberton) says, that a second indulgence was granted in the Dudley petition, contrary to the provisions of the Act of Parliament; but what were the facts? The first indulgence was proposed to be granted according to the terms of an order which had previously been made in the Pontefract case, and which extended the time to the petitioner as well as to the sureties; but, by some error, the order in the Dudley case was not so filled up in the Votes. The petitioner was informed, that the relief granted to him was to the same extent as that which had been granted in the Pontefract case, and the error was not discovered till the following day. The time for completing his own recognisances having then expired, it was necessary for him to make another application to the House to amend their original order. It has been urged in the case now before us, that the delay has been occasioned in consequence of the petitioner's having been obliged to write to Limerick, and not having yet received an answer. He supposes that his correspondent at Limerick could not have received the letter. But, if it had been so, would the letter not have been returned to the writer long since? And, knowing how important it was to obtain proper affidavits, would he not have written again and again, until he had received some answer or other from his correspondent? Yet he suffers sixteen days to elapse without either making application here, or taking means to ascertain whether his letter had miscarried or not. And, with these facts before him, the Honourable and Learned Member for Ripon contends, that there is no *laches*, and that Honourable Gentlemen on this side of the House are giving a party vote in opposing the application!

Mr. ELLIS. — I am not about to enter into a discussion as to whether these applications are taken up as party questions, or not. I stated, on a former occasion, that I did not consider the Act of Parliament permitted us to grant indulgence in cases of neglect, and if this motion should come to a vote, I shall give mine in its favour, because I do not think that any neglect has been shown. The petitioner considered, in the first instance, that the affidavits were sufficient; but, on finding that they were informal, he took the proper means to obtain others: they have not yet arrived, and for that reason he asks that further time may be given. No objection has been raised to the sufficiency of the sureties, and I can see no reasonable ground for refusing the application.

The House then divided: —

Ayes	59
Noes	50
Majority . . .	9

SLIGO COUNTY ELECTION.

On the motion of Mr. ORMSBY GORE, debate on question (19th December), "That the time for Colonel Perceval to deliver in a particular of his qualification be enlarged till Tuesday, the 2d day of January next," was resumed. Question again stated.

Mr. WOULFE. — All that in this matter was objected to, on this side of the House, was, that the Honourable and Gallant Member (Colonel Perceval) should not be placed in a better position than he would have been in had the application for indulgence never been made. I have looked into the case since last evening, and as I do not consider that his position will be in any way altered by the present motion, I do not feel it necessary to offer any opposition.

The question was then put, and agreed to.

PORTARLINGTON ELECTION.

Debate resumed on question (19th of December), "That Mr. Potter be called to the bar." Question again stated. Question put, and negatived. Order for consideration of petition on Tuesday, the 29th of March, read, and discharged.

Mr. HUME. — I hope that the result of these applications for relief in election petitions, will induce her Majesty's Government to take steps so to alter the existing law, that, in future, all such matters as have now occupied the attention of the House for three days may be settled by the officers of the House out of doors.

COMMON FIELDS IMPROVEMENT BILL.

Second reading fixed for Wednesday, the 7th of February.

SUPPLY.

Committee to-morrow.

MUNICIPAL CORPORATIONS (IRELAND) BILL.—POOR RELIEF (IRELAND) BILL.

Second reading to-morrow.

DUCHESS OF KENT'S ANNUITY BILL.

Mr. F. BARING.—It would be a great convenience if the House would permit the committee on the Duchess of Kent's Annuity Bill to be proceeded with at this time.

Mr. HUME.—I must decidedly object to the Orders of the Day being brought forward until the notices, which have precedence, have been disposed of.

Mr. F. BARING.—I can only repeat, that it would be a great convenience to the Government, if the House would allow the committee on this Bill to take precedence. I know that the Honourable and Gallant Member for Lincoln has a motion to bring forward by way of amendment to this Bill; but I do not think that much time would be occupied in the discussion. We are, of course, in the hands of the House; and if there is any objection, I will not press the matter farther.

COLONEL SIBTHORP.—I hope the House will proceed at once to read the Order of the Day for going into committee on this Bill. I have given notice of two motions connected with it, which I propose to submit on the motion being made for the Speaker's leaving the chair. I am anxious that these should not be deferred.

LORD VISCOUNT HOWICK.—It would certainly be a great matter of convenience if the House would proceed with the subject at once; and I think, if the Gallant Colonel's motions will not extend to a long discussion, we might go into this order, and afterwards proceed to the notices of motion.

The SPEAKER.—With regard to the motion of the Honourable and Gallant Member for Lincoln (Colonel Sibthorp), I, of course, know nothing of it but from the terms in which it is drawn up on the paper. It is for the Honourable and Gallant Member, however, to consider whether it is not a fit subject to be considered in the committee; and if so, I would submit to him that it ought not to be brought forward as a resolution, but rather as an instruction to the committee.

COLONEL SIBTHORP.—I am always anxious to pay the greatest respect and deference to the Chair; but in the present matter I wish to make two distinct motions apart from going into committee, and I shall certainly take the sense of the House upon them. I am the more decided in this course, because, from what I heard the other night, when this subject was under discussion, and from the fact of there being no House yesterday, there appears to me to be every disposition, on the part of the Government, to throw me over on these motions.

Mr. FIELDEN.—I rise to order. I have a very important motion standing first on the paper for to-night; and I want to know on what grounds I am to be prevented from bringing it on in due course?

LORD HOWICK.—If the Honourable Member for Oldham is determined to proceed with his motion, now, of course the Order of the Day must be postponed until after the notices of motion have been disposed of, when, if the Honourable and and Gallant Member for Lincoln shall consider that there is a fair opportunity of discussing his motion, he will have an opportunity of submitting it. I can assure the Honourable and Gallant Member, that there is not the slightest intention, on the part of the Government, to throw over his motion, as he expresses it. The circumstance of there being no House yesterday was as great a disappointment to the Government as to himself.

COLONEL SIBTHORP.—As the Noble Lord gives way, I must, of course, wait until the other motions are settled; but it is probable that that will be at a late period of the night, when the House will not be full, and when, perhaps, the Noble Lord will be absent.

HAND-LOOM WEAVERS.

Mr. FIELDEN.—I rise, according to my notice, to call the attention of the House to the petition of the hand-loom weavers, which I presented on the 11th of December, and which was ordered to be printed. That unfortunate class of persons are suffering from the greatest distress; and although it is now between four and five years since their case was first brought before Parliament, no means have yet been adopted to afford them relief. I feel convinced that this House does not fulfil the duties which properly belong to it, when it neglects to protect those who form the most valuable portion of the community, and who produce every thing necessary for our comfort and wellbeing. No wonder that there is a feeling abroad that the interests of the working classes are neglected—no wonder that a cry is raised for an extension of the suffrage, when those who are now entrusted with the power of making laws so grossly abuse the trust so reposed in them. For years, the attention of Parliament has been drawn to the sufferings of these men. The expectation has been raised that their misery would cease, or, at all events, be mitigated; but they now find that nothing is to be done for their relief, and they almost despair of obtaining redress. Can this be called a Christian country, in which the men who labour for twelve or sixteen hours a day in producing articles indispensable to the comfort, convenience, and luxury of the upper and the middle classes, can procure but three halfpence a head per week for food and clothing? Notwithstanding their peaceable demeanour in submitting to their sufferings, their wretched situation is never regarded by this House, which ought to be, what it has proved itself not to be, an assembly representing the people. Well, then, I maintain that it is the duty of those who sympathise with these ill-used men, to take such steps as they deem necessary to attract that attention to their case which it so strongly and justly demands. I, for one, am resolved to take a decided course on this subject, though it may be called factious, and found inconvenient. It should be understood that the hand-loom weavers contribute to the burdens of the State; they pay taxes on every thing they consume, and on every article they wear. Unless there is some assurance that measures will, at an early period, be undertaken for their relief, I shall feel it my duty to exercise that privilege which as a Member of Parliament I possess, and whenever a motion is made to grant a supply for the public service, I will always divide the House against it, upon the ground that you have no right to tax persons in such a miserable state of distress, until you have done something to better their condition. All the facts connected with this subject were proved before the committee of inquiry upon the recommendation of the Report of the second committee, which is now upon the Table of the House, and which I would recommend to the perusal of every Honourable Member who is not already acquainted with the extent of the misery which this ill-treated, but very industrious and useful, class of the community are suffering. A Bill was brought into Parliament in the course of the last Session but one, but it was met by a direct negative from the Right Honourable Gentleman on the Treasury Bench. Then, last July, a motion was made for an address to the Crown, praying for the appointment of commissioners to go down to the manufacturing districts, for the purpose of ascertaining the state of this body of people, and to supply some remedy for their grievances. That motion was carried against the express wish of the Ministers nearly six months ago, and I have not yet heard that the commissioners have gone forth, though the weavers are starving, and daily dropping into the grave from want of food. Such conduct on the part of her Majesty's Ministers does not tend to show that we have a paternal Government, or a Government at all alive to the welfare of the working classes; and, if for no other reason than their gross inattention to the distresses of the hand-loom weavers, I maintain that the present Administration is unworthy of the confidence of the country. Petitions have been presented from quarters, and from persons, of all political sentiments, praying that the distresses of the hand-loom weavers may be considered, and some means devised for their relief; and in every instance they have been disregarded. I hope, however, that the House will yet do something to rescue this large class of their fellow-subjects from the depth of misery and distress in which they are now plunged, and that, to that end, the motion I am now about to submit will be supported by Honourable Gentlemen on both sides of the House. I beg, now, to move the following resolution:—"That there is in this kingdom an immense body of hand-loom weavers suffering unparalleled distress, and that this distress arises from the unprecedented low rate of wages that the weavers are paid for their work, and from the heavy taxes imposed by this House on the food and other necessaries of life, a sufficiency of which their wages should enable them to purchase; that the work which a large portion of these weavers execute consists of articles indispensably necessary to the personal comfort and convenience of the higher and middle classes of society, or of articles exported to foreign countries, and there exchanged for luxuries and necessaries, to increase the affluence and comfort of those classes; that it is therefore the interest, as well as the duty of the representatives of the people in this House, immediately to devise and enact such laws as shall either raise the wages of these distressed weavers to a scale adequate to maintain them comfortably, or that shall so reduce the taxes imposed on the necessaries of life, and so alter the mode of collecting such taxes, as that no part of the wages paid to these weavers shall be abstracted from them, by either direct or indirect taxation on those necessaries."

Mr. HESKETH FLEETWOOD. — In rising to second the proposition which the Honourable Member for Oldham has submitted, I have but a very few remarks to offer. Considering the long time which has elapsed since the motion for the appointment of a commission of inquiry was carried, I think it highly desirable that some cheering assurance should be given to the distressed hand-loom weavers, particularly in the present severe season, that their sufferings are not utterly disregarded. It should be borne in mind, that, notwithstanding the severe privations which this class of persons have suffered, they have not entered into any combination trenching on the liberty of others, neither have they created any disturbances; but have borne their distresses with the utmost patience, and they are obliged to work for fifteen hours a-day at the loom, in a damp and unwholesome atmosphere, even for the small wages they receive. I, myself, saw one family eating bread in a hot state, and the mother told me that they did so because a less quantity of bread in that state sufficed, not to allay their hunger, but their cravings for the moment. In supporting the motion of the Honourable Gentleman, I feel bound to say that I do not see how wages can be increased by any legislative enactments; but I consider that it lies more within the power of the House to relieve the distresses of the hand-loom weavers by reducing the taxes on the necessaries of life.

Upon the question being put, —

Mr. MARK PHILIPS said: — Representing, as I do, a large number of these people, and having, myself, presented several petitions praying that some measure might be devised for alleviating their distresses, I could not but regret my inability, in consequence of severe illness, to attend when the commission alluded to by the Honourable Member for Oldham was agreed to. Although knowing the great objections to it, — and the little benefit that could be expected from such a proceeding, — had I been in the House, I certainly should not have been amongst those who voted for it. There is no one more interested in the condition of the hand-loom weavers, or more anxious to relieve them, than myself; but I have no hesitation in stating, here, as I have stated publicly in the town I have the honour to represent, that I differ from many in the means of doing so. Since the Honourable Member for Oldham gave notice of the motion which he has this night brought forward, I thought it my duty to communicate with those parts of the country where the distress presses most heavily; and the result of my inquiries is a settled opinion, that any attempt on the part of the Legislature to regulate the price of labour will fail and be totally ineffectual. To show in some degree the extent of distress that prevails amongst these people, I will, with the permission of the House, refer to some extracts from a document which I have received; namely, certain weekly accounts which are laid before the Manchester board, of the number of this class of persons who have applied to them for relief. These reports were taken at the several periods, the 11th of August, 1837, and December 15, 1837, and are as follows:—

Weekly board sitting, Aug. 11, 1837.

255 families, 1171 persons; rather more than 4½ persons per family. Average per family, 2*s.* 7¾*d.*; average per head, 6¼*d.*

Weekly board sitting, Dec. 15, 1837.

76 families, consisting of 275 persons, equal to 3½ persons per family. Average relief per family, 2*s.* 3¾*d.*; average per head, 7½*d.*

Which exhibits the following results: —

Families.	Each.	Persons.
20	1	20
11	2	22
9	3	27
8	4	32
8	5	40
10	6	60
6	7	42
4	8	32
76		275

The petition to which the Honourable Member for Oldham has referred, states that the distress has been felt more during the present than in any preceding year. This is in a great degree owing to the weavers being employed in the manufacture of a species of article peculiarly adapted to the American market; and that market having lately failed in consequence of the late commercial embarrassments, the diminished consumption is of course immediately felt by the classes engaged in the manufacture. As regards a minimum of wages being fixed by Act of Parliament, my opinion is, that if any Bill were to pass for that purpose, the first persons who would feel the inconvenience, and would wish to break through its enactments, would be the weavers themselves. There is no class of operatives in the community who experience such frequent and severe privations as the hand-loom weavers, because no interest is felt by those who employ them to maintain them during the period at which the demand for their labour temporarily ceases. Supposing, then, that such a law were to pass, the weavers would find, when a period of distress had arrived, that they would be unable to procure any employment whatever, because the state of the market would not allow their masters to give them the minimum of wages which might be fixed by Act of Parliament. In such a case the weavers would gladly, rather than remain idle, consent to work for a less rate of wages than that fixed by law. Knowing that this would be the result, I cannot give my consent to any proposition for establishing a minimum of wages. With respect to the other proposal which the Honourable Member's motion involves, I will say, that I shall at all times be most ready to join in any endeavour to give relief to the hand-loom weavers by a reduction of taxation. Although, myself, connected with the landed interest, I cannot forget what is due to the trade and commerce of the country. I have, therefore, always shown my sincere desire for an alteration of the corn laws. So great is the competition carried on by the Continental and the American with the British manufactures, that I feel convinced, unless some steps be taken to alter those laws, the distress which the hand-loom weavers now labour under will soon extend to the cotton manufacturers. I shall therefore be most ready to join in any attempt to reduce taxation, commencing with that tax which I consider the most harsh of all,—the tax on bread. There is another circumstance bearing immediately on the state of trade. The evils of the late commercial crisis were, in my opinion, materially augmented by the proceedings of the Bank of England; and there is something in the constitution of that establishment which appears to me to operate most injuriously upon the interests of trade, and of the country generally. I have always remarked that the rate of wages is materially affected by the state of the currency, and I think some inquiry upon this subject would be attended with great advantage. The late transactions of the Bank of England with America have also affected the trade of this country, and I hope to see such alterations, or such openness, in the proceedings of that establishment, as will in future give greater confidence to the country. I have felt it my duty to state the difficulties which stand in the way of a remedy for the evils which exist; but I think the commissioners should immediately proceed with their labours, when I hope something might be done at least to mitigate the distress which prevails. I fully concur with the Honourable Member for Oldham as regards the general good conduct of the hand-loom weavers, and am as anxious as any man can be to relieve them; and if any distinct mode of doing so can be pointed out, it will give me great pleasure to support it; but at present I do not see any; and I cannot reconcile it with my duty to vote for a proposition which I believe to be founded in error.

SIR E. WILMOT. — Sir, I do not think that the Honourable Member who has just sat down has given any answer to the petition that has been presented, or to the propositions of the Honourable Member for Oldham. The hand-loom weavers do not seek for charity, nor any relief which they have not a right to demand. Since I have had the honour of a seat in this House I have always advocated the cause of those deserving, but unfortunate, persons. I know that at this moment there are many thousands of them in a state bordering on starvation. They do not, and never have, complained of their condition, until compelled to do so. What they say is, that they have not a fair return for their honest labour. They have nothing to do with the condition of America: their complaint is of the system of free trade which has been adopted; by which France is enabled to undersell them by one third in the price of the description of goods which they manufacture. This, combined with the progress of machinery, is the cause of the distress which prevails amongst the hand-loom weavers, and I can speak from my own knowledge that the extent of that distress is so great that the House would hardly credit me if I were to attempt to do that which is impossible, — adequately describe it. I admit that this is a difficult subject; but the misery prevailing amongst this class of our artisans calls for some measure of immediate relief. One thing ought to be kept in the recollection of the *House*, which is, that the hand-loom weavers cannot go into any other trade; they are incapable of employing themselves in any other occupation; and when there is no employment for them at their looms the greatest distress must ensue. I have received a petition for presentation from the hand-loom weavers of my own district; but I have not been able to find an opportunity of calling the attention of the House to its prayer. I will, however, take an early opportunity after the recess to present the petition, and to bring the subject under the consideration of the House.

Mr. HINDLEY. — This is a question in which I feel the deepest interest; but as a commission has already been appoited, I will detain the House but a very few moments There are two points on which, I think, all are agreed, namely, the greatness of the distress, and the patience with which it has been borne. The distress cannot, in my opinion, be exaggerated, and I do believe it is such as this House is very little aware of. I think there is one other point on which all are agreed, and that is, the difficulty of finding a remedy. The remedy proposed in the first part of the resolutions of the Honourable Member for Oldham, namely, a fixed rate of wages, is, in my opinion, no remedy at all, and would, in fact, prove injurious instead of beneficial to the hand-loom weavers. When an application was made to me, in Manchester, on this subject, I said that I could not acquiesce in any such proposition. Were such a resolution passed into a law, and a *minimum* of wages established, in times of distress the manufacturers would give no employment, and would tell the weavers that they could not do so because of the necessity of paying them a certain sum for their labour. The *minimum* would be more than the manufacturers could afford to give when there was no demand for the article, and the effect would be that the operatives would have no work at all, and distress, if possible, greater than is now felt—would ensue. The hand-loom weavers do not desire charity: all they desire is justice. If we cannot benefit them, at least we can avoid doing them injury. It has been said, that they ought to go into the factories. How is this practicable, when the Government have sent down commissioners, Messrs. Mummeridge and Baker, to force the agricultural labourers to enter into competition with them. In vain do the poor hand-loom weavers make application at the factories for employment for themselves or for their families. The only result is, that they lose their time. Not so the agricultural labourer. A contract is entered into for them by the commissioners, and they are employed at once. But is it fair in the Government thus to bring another class into competition with the hand-loom weavers, when those individuals are already suffering such misery from want of employment and the low rate of wages? In my opinion, such a proceeding is both unfair and unjust. The causes of the prevailing distress are, I think, obvious. The first cause, in my opinion, and I think it will be found by the commissioners that I am right, is the present state of the corn laws. I hope the commissioners will direct their attention to this point, and if it is found that the present system of corn laws does contribute towards the sufferings of the hand-loom weavers, I trust the House will be ready calmly to investigate the evil, and to remove it. The second cause of the distress is, the improvements which have been made in machinery. It is impossible, I allow, to turn back, and I feel that machinery has been of the greatest advantage to the human race. I should, however, be glad if the management of it could be so conducted as that, while it tended to ameliorate the first curse that was pronounced upon mankind, it would cease to act so prejudicially upon particular classes of the community. Another cause of the distress of the hand-loom weavers is, the influx of the Irish poor. There are vast numbers of the Irish poor in Manchester who contend for bread with the English weaver. I by no means object to their right to do so. On the contrary, I think we ought to make them welcome, and by every means to better their condition. Yet, certainly, the effect of their coming and entering into competition with the resident weavers is,—to distress the latter, and to render their condition almost as low as their own. But what must be the effect upon them if the Irish Poor Relief Bill passes into a law? By four clauses of that Bill we are going to make beggary a crime in Ireland, subject to various terms of imprisonment. What will be the effect of that? It will force numbers of the Irish out of their country; they will come here, enter into more severe competition with English weavers, and increase their distress. We shall, indeed, treat this industrious class of our population with gross injustice if, being unable to find a remedy for their grievances, we adopt a measure which must materially aggravate them. From what has fallen from the Honourable Member for Manchester, I collect that that Honourable Gentleman intends to agree to the motion of the Honourable Member for Oldham; for the Honourable Member for Manchester has acknowledged the justice of the second proposition which is involved in the resolution, that the distress is in a great measure owing to the heavy taxation to which the food of the weavers is subjected. To that point I wish to pin the Honourable Member for Manchester and the Right Honourable Gentleman opposite, as I conceive it impossible to remedy the evil without attending to it.

Mr. P. HOWARD. — The extent of distress which exists among the hand-loom weavers is unquestioned, and there can, I think, be little doubt that the chief cause of that distress is the improvements which have been made in machinery. The hand-loom weavers have, however, one advantage over the power-loom weavers and other operators, which is, that they can select their hours of labour, which they would not be able to do were they in factories. I have risen, however. simply to express my sympathy for these men; at the same time I feel that a repeal of the corn laws would not be an advantage to them, as such a measure would have the effect of throwing a large portion of the land out of cultivation, and thereby forcing into the factories a still larger number of the agricultural population. Undoubtedly great differences of opinion exist upon this subject; but, in my judgment, any material alteration of the corn laws would not only fail to relieve the hand-loom weavers, but would be attended with general inconvenience. I think the present motion is premature, as we ought to wait for the Report of the commissioners, and when that Report is laid on the table, we shall be able to legislate with full information on the subject. Such being the case, I trust the Honourable Member for Oldham will for the present withdraw his motion.

Mr. DARBY. — I would also suggest to the Honourable Member for Oldham the propriety of withdrawing his motion. The first proposition contained in his resolution is perfectly untenable; and as regards the second, namely, that the hand-loom weavers shall be exempt from taxation, the Honourable Member must see that it would be quite impossible to carry it into effect. It is complained that the hand-loom weaver is not protected from the effects of foreign competition, while, on the other hand, it is proposed to take from the agriculturists all the protection which they enjoy; and thus to relieve the one class at the expense of the other. The result of such a plan would be to throw large tracts of land out of cultivation, and to introduce an extent of distress among the agricultural labourers equal to that which the weavers are now suffering. I trust that no system so unjust will receive the countenance of this House.

Mr. P. THOMSON. — I hope that the Honourable Member who has brought forward this motion has done so rather for the purpose of giving Honourable Gentlemen an opportunity of expressing their sympathy for the objects of it, than with any intention of dividing the House upon it. If, however, the Honourable Member does intend to divide upon his proposition, then I shall feel it my duty to move the previous question. One of those propositions states facts of which the House has at present no knowledge; the other recommends a species of vague relief that it would be impossible to afford. It is very easy for any man to gain a character for humanity by dwelling on the harsh and severe conduct of Government, or of this House, by representing that they are unwilling to inquire into distress, or to apply to that distress a remedy; and by intimating that he alone is disposed to commiserate and to relieve the distressed. I utterly deny the existence, on the part of this House, or on the part of the Government, of an indisposition to consider the distress of any portion of the people; or to apply to that distress a remedy, if a proper and adequate remedy can be discovered. Why does not the Honourable Member for Oldham propose some distinct and specific remedy which might be fully and fairly discussed? Why does he not make some direct proposition on which all might express their sentiments and stand a chance of coming to a just and practical conclusion? I repeat that there is no indisposition on the part of the House, that there is no indisposition on the part of Government, to take into consideration any specific proposition on the subject, and to adopt it, if it should seem likely to be beneficial. But what is the Honourable Member for Oldham's vague proposition? That as the House has declined fixing a *minimum* of wages, they should lower the general taxation in such a manner as to exempt the individuals in question from contributing to it. I should like to see that proposition put into a definite shape. How could it be accomplished? Is it to be provided that persons who do not earn such or such wages are to pay no taxes? To attempt that object would be to alter the whole system of our taxation. A large portion of that taxation—all, for instance, which comes under the heads of customs and excise—is indirect. How, with reference to those taxes, could such a proposition be carried into effect? But, upon the strength of making such a proposition, the Honourable Member for Oldham exclaims to the weavers, "My friends, I am the only person who wishes to relieve you; others are hard-hearted, and will not take your case into consideration." Now this is mere delusion,—although I do not think it will take,—which I feel ought to be exposed; and therefore I will take the liberty to expose it. The Honourable Member for Oldham said that it was my duty, both as the representative of Manchester, and as holding the situation in the Government which I have the honour to hold, to satisfy the wishes of the individuals who are the subjects of the motion. Now, I will not yield to the Honourable Member for Oldham in the sincerity of my desire to relieve the unfortunate persons in question, if any rational or practical mode of furnishing that relief could be devised. But I do not believe that any legislative measure can be adopted by which that relief could be afforded. It was on that ground that I opposed the appointment of a commission of inquiry. I opposed it because I thought it likely that the appointment of such a commission would raise delusive expectations which it would be found impossible to satisfy. And not seeing that any practical good could be derived from such a commission, I opposed its appointment. The House, however, has decided otherwise. And the evil I then apprehended has occurred: but the responsibility rests not with me, but with the House.

A Member. — With the last House.

Mr. P. THOMSON. — With the last House. The commission having, however, been appointed, I shall deem it my duty to do every thing in my power to render it effective; and I hope that the result of the Report of that commission will, at least, set the question at rest. The Honourable Gentleman complained of the delay in the proceedings of the commission; but he ought to have remembered that the address to the Crown for its appointment was carried only at the close of the last Session. The commissioners are anxious to obtain all the information possible, and to conduct the inquiry to the most satisfactory conclusion. But the task they have undertaken is, by no means, an easy one; and, as the hand-loom weavers are scattered over almost every county in the kingdom, the progress of the inquiry must necessarily be slow. The House, however, may rest assured that they will proceed with all the despatch that the circumstances of the case will admit of, and that all the information it may be in their power to collect will be communicated without loss of time. With respect to the immediate cause of the distress that exists amongst the hand-loom weavers, I think it must be attributed to the great disproportion between the number of labourers and the demand for their labour. I do not think it arises so much from competition, because it exists in places where no competition has been attempted. Neither do I think that the transmigration of seventy or eighty agricultural families into the manufacturing districts, which contain an aggregate of 800,000 hand-loom weavers, would decrease their employment so materially as to cause distress amongst them. My opinion is, that the distress is caused by the trade being overdone. It has been the practice for men to take as many apprentices as they could get, in order to make a profit of their labour; and thus this branch of manufacture has become overstocked with hands. I do not deny that there may be other causes, nor do I deprecate the introduction of the corn laws as a topic in the discussion. Indeed, I believe that if we had admitted corn form other countries, we should not have seen rival manufactories springing up in them; and instead of exporting the mere raw materials, as we do now, we should have been sending our woven articles abroad. With regard to machinery, I believe that it has a tendency to cause a great demand for manual labour, after the temporary influence such a change must necessarily produce has subsided. Under all the circumstances, I think that the only course the House can pursue will be to wait for the Report of the commissioners; and if that Report suggests any remedy for the relief of this class of persons, I shall be most ready to support it.

Mr. WAKLEY. — I have heard the speech of the Right Honourable Gentleman, who is not only President of the Board of Trade, but a representative of that large manufacturing town, Manchester, with great surprise. The Right Honourable Gentleman has admitted the evil, but he says, "Wait till we see the Report of the commissioners before we do anything." Why, does not the House know that two or three years may elapse before that Report will be made? The commissioners are, at present, in a happy state of incubation; but it is a matter of great uncertainty when they will hatch. The Right Honourable Gentleman has said it is difficult to find men to undertake the office of commissioners for this inquiry. Why? I can see no difficulty, unless a certain test has been laid down, and they are told, "If you go into this inquiry, you must abide by this doctrine; but if you entertain a different opinion, we desire you will not engage in such a task." I cannot see how any difficulty can otherwise arise. A man might soon make up his mind as to the existence and extent of the distress, though it might not be so easy to come to a decision as to the cause of it.

Mr. POULETT THOMSON.—Hear, hear!

Mr. WAKLEY.—The Right Honourable Gentleman cheers me, ironically; and why? "Because," says the Right Honourable Gentleman, "we wanted men of almost superhuman judgment,—men who could find out the cause as well as the effect." Why, does not every one know the cause? Every man, nay, every child almost, is perfectly aware of the cause of the distress, and that the House has no remedy for it. The Right Honourable Gentleman has talked of the corn laws, as if an alteration of them would relieve nearly all, if not the whole, of the distress, by that interchange of trade with other countries that might thereupon take place. But, has he intimated that he is prepared to bring forward any measure to effect that desirable object? No; therefore he is but one of Job's comforters. The Right Honourable Gentleman has found out the misery; but nothing is to be expected from him, or from the House, in the shape of a remedy for it. How can that misery be removed while the country is groaning under the present load of taxation, the burden of the national debt, and the evils that flow from paper money? Is there likely to be any relief when this House can vote away 385,000*l.* for the Civil List expenditure? Such recklessness in disposing of the public money is fitly reproved by the distress which the people are suffering. It seems to appear before us as if to convince us of our injustice to the working classes, and to make us blush for the course we have been pursuing. Why not take off the tax on industry, and put it on property? The poor have not caused this country to enter into any expensive wars for the destruction of liberal opinions; neither have they derived the slightest benefit from the result. I believe that, unless the people constantly tease this House with petitions, and urge their claims with unceasing importunity, they will never get redress.

Mr. G. F. YOUNG.—I am one of those who gave my consistent support to the late Honourable Member for Lanark, in all his motions upon this subject. As regards the commission which has been appointed in consequence of the address of last Session, I believe that the object of that commission is not so much to inquire into the *quantum* of distress that exists, as into the cause of such distress, with a view to some remedy being applied. If the Honourable Member for Finsbury thinks that the commissioners have been trammelled by the Government, why does he not move for a copy of the instructions given to them. The Right Honourable Gentleman the President of the Board of Trade has spoken of competition not being a cause of the distress; but the competition which is most complained of is not that alluded to by the Right Honourable Gentleman, but the competition of machinery. As to the transmigration of agricultural labourers into manufacturing districts producing little or no effect, the Right Honourable Gentleman should recollect, that when the supply and the demand are equal, a very slight addition thrown in on either side must give it the preponderance. I cannot concur in the opinion of the Right Honourable Gentleman, that machinery will increase employment for the weavers, who, in fact, are the parties suffering; but it will doubtless give more work to a different class of artisans. I hope the Honourable Member for Oldham will not place the cause, and those who have always advocated it, in a false position, by pressing his motion to a division, whilst the question is still in course of investigation before a commission.

Mr. HUME.—I concur with some parts of the resolutions of the Honourable Member for Oldham, but not with others; and I hope that, under the circumstances, he will consent to withdraw his motion. I believe that the distress is caused by low wages, the high price of provisions, and heavy taxation. Little doubt can exist, I think, on this head; and the Government have the remedy in their hands, if they think proper to apply it—namely, the repeal of the Corn Laws; though it is not to be supposed that a measure for that purpose would at once be successful, when we consider how strong the influence of the agricultural interest is in this House. The Noble Lord the Secretary for the Home Department stated, the other night, that he would not extend the election suffrage, because he wished to give a preponderance to the landed interest.

[Cries of "No, no!"]

The Noble Lord certainly said he was aware that the Reform Bill had given the preponderance to the landed interest, and he did not wish to lessen it by any further extension of the franchise. I am sorry the Noble Lord is not in his place, to vindicate that observation (which he repeated on the occasion to which I allude), in order that there might be no misunderstanding about it. If, therefore, I have made a wrong statement, I shall be obliged if the Noble Lord will take an early opportunity of contradicting it. I am of opinion that the distress of the labouring classes is caused by unequal taxation. It is a fact that they pay 76 per cent. of the taxes, and that the rich do not pay in equal proportion, and according to their ability. I fully concur with my Honourable Friend the Member for Finsbury, in the observation he has made, with reference to the lavish expenditure incurred by the Civil List, and I contend that one part of the motion of the Honourable Member for Oldham, calling upon the House to do that which is within its power, namely, to reduce taxation by a legislative remedy, ought to pass. Give the people but an honest House of Commons, — I mean a house composed of men of political honesty, who are ready and anxious to legislate for the many and not for the few, — and this will be done. Ever since I have been in this House I have seen a class who are desirous of legislating merely for their own advantage. I had expected an improvement in the composition of the House by the Reform Bill, but I find myself disappointed. Let the Government, instead of screwing every farthing out of the labouring man, take off all unnecessary taxes which at present press upon the miseries of the many, and lay the remaining taxes equally on the mass of the property of the country. Then, and then only, will relief be given to the poor.

COLONEL SIBTHORP. — I should not have taken any part in this discussion, but for the remarks which have been made by the Honourable Gentlemen opposite, and which I consider to have been in no way applicable to the subject matter of debate. I cannot but deprecate the practice of making a motion like the present the means of entering into a discussion upon the Corn Laws, upon the Civil List, the Reform Act, and twenty other subjects which have been adverted to to-night, scarcely one of which really bears upon the subject of the distresses of the hand-loom weavers. Much has been said against the agriculturists, and the protection afforded them by the Corn Laws; but I am for equal justice, and therefore must remind the House that the agricultural interests pay more to the taxes of the country than any other class of the subjects of the realm. I deplore, much, the distress of the hand-loom weavers, and I should be most happy to give my support to any measure calculated to afford them relief. I feel bound to make this observation, in order that it may not go forth that the friends of the agriculturists are not alive to the sufferings and distresses of the hand-loom weavers.

MR. MATTHIAS ATTWOOD. — As this is a subject upon which all must feel a deep interest, I trust I shall be excused, if I detain the House with a very few observations. I consider that the subject of the corn laws has been improperly introduced into this discussion. I cannot think that the corn laws are the cause of the distress which prevails among the manufacturing classes, and therefore I do not believe that the repeal of those laws would relieve that distress. On the contrary, I think their repeal would be attended with a greater and more general extent of suffering than is now complained of. I know how reluctant the House is to entertain questions of this kind, and how very difficult it is for any Honourable Member to bring any question under the consideration of the House which involves nothing of a personal, or of a party nature. For this reason, therefore, I feel the more disposed to give my support to the motion of the Honourable Member for Oldham. We have been told to wait for the Report of the commissioners; but I cannot see what advantage will be gained by doing so. All the facts that are capable of being ascertained by the commissioners, are already sufficiently well known. We all know that 10,000 of our fellow-subjects are at this moment suffering under the deepest distress, and it is the duty of the House to give such immediate relief as the urgency of the case demands. Now, I will make one other remark. It has been said that my Honourable Friend proposes to relieve one class of persons from taxation, and to place those burdens upon another. Sir, upon this subject, I will refer to the opinion of a Noble Friend of the Right Honourable the President of the Board of Trade, whose authority I know he will acknowledge, — I mean Lord Ashburton. He stated in his evidence before the Agricultural Committee of 1836: — "I maintain that there has, in fact, been no reduction of taxes from the period of the war up to the present day." Sir, I shall certainly vote for this motion, and I shall do so because, by taking that course, I consider that I shall be expressing my opinion, first, that extensive distress does exist among the hand-loom weavers; and, in the next place, that the House are desirous to discover a remedy for that distress.

Mr. LABOUCHERE. — I cannot refrain, after hearing the last observation of the Honourable Member for Whitehaven, from troubling the House for a few moments. The Honourable Gentleman has said that he considers that in voting for the motion, all that he does is to express his opinion, first, that extensive distress prevails among the hand-loom weavers, and, next, that the House is desirous to discover a remedy for that distress. This, then, being the opinion of the Honourable Gentleman as to the effect of the vote he is about to give, I feel it to be my duty to call the attention of the House to what is the nature of the question before it, and to show how very far beyond those two propositions, so stated by the Honourable Gentleman, it will go, if it vote for the present motion. I will, first of all, however, remark, that this House, during the last Session of Parliament, gave a strong proof to show how anxious it was to meet the distress complained of; for it actually adopted an address to the Crown that a commission might be issued to inquire into the nature and extent of that distress. I beg to say, that in my judgment the House did not on that occasion take a prudent or well-advised step — that it was inexpedient to pursue that course; for I believe there is always the greatest danger arising from any one branch of the Legislature taking upon itself to investigate any particular and local case of distress, inasmuch as it is thus giving rise to expectations which, in all probability, will only result in disappointment. But I will now remind the House what are the terms of the concluding part of the motion before it. The motion states, "That there is in this kingdom an immense body of hand-loom weavers suffering unparalleled distress, and that this distress arises from the unprecedented low rate of wages that the weavers are paid for their work, and from the heavy taxes imposed by this House on the food and other necessaries of life, a sufficiency of which their wages should enable them to purchase. That the work which a large proportion of these weavers execute consists of articles indispensably necessary to the personal comfort and convenience of the higher and middle classes of society, or of articles exported to foreign countries, and there exchanged for luxuries and necessaries, to increase the affluence and comfort of those classes. That it is, therefore, the interest as well as the duty of the representatives of the people in this House immediately to devise and enact such law as shall either raise the wages of these distressed weavers to a scale adequate to maintain them comfortably, or that shall so reduce the taxes imposed on the necessaries of life, and so alter the mode of collecting such taxes, as that no part of the wages paid to these weavers shall be abstracted from them by either direct or indirect taxation of those necessaries." Now I have a great deal too much respect for the intelligence and good sense of these weavers to believe that ninety-nine out of every hundred of them could possibly read with a serious countenance such a proposition as this.

[Cries of "Hear, hear!"]

I say so fearlessly. To suppose that any system of taxation could be devised, consistently with the financial state of this country, so as to leave untouched the necessaries purchased by the wages of the working classes, is such a mere delusion that one can scarcely conceive it possible for any person seriously to imagine it.

SIR C. B. VERE. — The Honourable Gentleman the Member for Oldham has put his motion in such a form as not to admit of those who heartily wish to do justice to the poor hand-loom weavers giving him their support. I would, therefore, advise the Honourable Gentleman to withdraw his motion; and I do hope to see the question brought forward again in a manner that will not permit of its being put down.

Mr. FIELDEN. — I have only to say, that I have heard no arguments to move me in the slightest degree from my purpose of dividing the House. It will go forth to the people of England, that when you are voting these liberal and extensive grants to certain illustrious personages, you are deaf to the entreaties of so large and suffering a portion of the community as that which entreats, through me, your acquiescence in my motion.

The previous question being proposed, "That the question be now put," the House divided. The numbers were: —

Ayes	11
Noes	73
Majority against Mr. Fielden's motion	62

SALE OF BEER BILL.

Mr. WARBURTON moved for leave to bring in a Bill to amend the said Act (1 Will. IV. c. 64.), for regulating the sale of beer and cider in England and Wales. — Leave given. Bill ordered to be brought in by Mr. Warburton and Mr. Hume.

RETURN.

Union Workhouses. — On the motion of Mr. COURTENAY, there was ordered —

> A list of the unions for which workhouses have been ordered by the poor law commissioners to be built, purchased, altered, or enlarged, from the passing of the Poor Law Amendment Act to the present time; with the number of persons to be provided for, the amount authorised to be expended, and the names of the architects and contractors.

SELECT COMMITTEES.

Mr. HUME moved, "That every Member intending to propose a select committee shall, one day next before such nomination of Members, place on the Notices the names of the Members intended to be proposed by him to be members of such committee."

Mr. POULETT THOMSON. — I do not intend to oppose the motion, although it is my opinion that the proposed alteration will be found to be attended with some inconvenience. The feeling of the House, I must, however, admit, is in favour of the proposed change.

SIR T. FREMANTLE. — I suppose that in this, as in other cases, a latitude would be allowed when there is an urgent necessity for departing from the rule. I do not intend to oppose the motion, but I think it would be very inconvenient if strictly adhered to in all cases. I will suppose, for instance, that a select committee were required to be appointed without delay. In that case the principle of the motion would interfere with the public business. If, however, it is to be taken as the general rule, and if cases analogous to that which I have supposed should be understood as the exception, I think no injury could accrue from at least giving a trial to the experiment.

Mr. WAKLEY. — I would suggest the introduction of words to the effect named by the Honourable Baronet; for example, "except in case of emergency." It is necessary, I assert, to make the rules of the House as clear and as explicit as possible.

PUBLIC COMMITTEES.

Mr. HINDLEY moved (pursuant to notice), "That no Member should be upon more than two public committees at the same time."

The motion not being seconded, it therefore fell to the ground.

POST OFFICE.

On the motion of Mr. HUME, Order (14th of December) for returns relating thereto, read, and discharged; and instead thereof, returns ordered, in detail, of the number of cases which have occurred, from the 5th of January, 1829, to the 5th of January, 1837, in each year, of letters franked or unfranked, addressed to persons in London, Dublin, or Edinburgh, or which had been applied for through the general post offices of those cities, containing money, bills, bank-notes, or other property, which have been secreted or purloined by any person in the employment of the post-office department, or been demanded therefrom by private parties as undelivered; with the amount thereof in each case in each year respectively. Of the names and situations of all persons dismissed or removed from the post office department as above, under the allegation of having purloined or secreted letters, franked or unfranked, or been concerned therein, containing money, bills, bank-notes, or other property, belonging to private parties, with the amount in each instance: Also, a return, as above, of all persons who have actually defrauded the revenue department of the Post Office, and been dismissed therefore; stating, in either case, if the first offence was visited with removal or dismissal, or if repeated previous thereto: Also, the nature of the security taken by the Post Office regarding the abstracting or purloining moneys or other property by those employed therein; stating if the parties becoming sureties are bound to make good and restore private property, when abstracted or purloined by the servants of the public in that department, or only for their fraudulent acts against the revenue.

QUALIFICATION OF MEMBERS.

Mr. WARBURTON. — I rise, Sir, to move for leave to bring in a Bill to amend the laws relating to the qualification of Members to sit in Parliament. It may be remembered that, last Session, I obtained the leave of the House to bring in a Bill to a similar effect. The general outline of the measure I may shortly describe in this manner: I propose to reduce the qualification of Members for counties and for boroughs to the same standard. I contend that the qualification ought to be given from various descriptions of property, both personal and real, and I have therefore included provisions to meet that object. I only ask for leave, now, to bring in the Bill, in order that it may be submitted to the consideration of Honourable Members during the vacation.

Leave given; Bill brought in by Mr. WARBURTON and Mr. HUME; read a first time, and ordered to be read a second time on Monday, 5th of February next, and to be printed.

FINES AND RECOGNISANCES (IRELAND) BILL.

Committee deferred till Monday next.

DUCHESS OF KENT'S ANNUITY.

On the motion of the CHANCELLOR of the EXCHEQUER, that the House resolve itself into committee on this Bill, —

COLONEL SIBTHORP said: — I have to address the House on the present occasion, in pursuance of a notice which I have given, in reference to this very important subject.

The SPEAKER. — The Honourable and Gallant Gentleman will be pleased to observe, that whatever he may propose to do, in submitting his resolutions, can be done just as properly and consistently in the committee, as it can be at this time; and it is for the Honourable and Gallant Gentleman to consider whether, by the course I venture to suggest to him, he would not be materially facilitating the business and consulting the convenience of this House.

COLONEL SIBTHORP. — In justice to myself and other Honourable Members, I rise to make a few observations, as there are several Honourable Members absent who wish to take part in this important discussion. I thought, from a former observation of a Noble Lord, that I could have been accommodated; and I complain that the Secretary for the Treasury has determined upon giving to another Honourable Member the preference in bringing forward a motion relating to Canada. I have no hesitation in saying that her Majesty's Government dare not meet me on this motion. I certainly feel, with great respect to the Chair, by whose advice I am always willing to be guided, that her Majesty's Ministers are not entitled to the slightest indulgence; but if I move the adjournment, then I am sure they will avail themselves, by some underhand means, of preventing a discussion in the committee. I cannot expect Members to wait here hour after hour, when we know that there is such a packed crew as I see there opposite to me, on the Treasury benches. I am determined, however, to discharge my duty to the public. The proposition comes from those ill-intentioned persons who think to buy her Royal Highness; but I know she cannot be bought.

The Speaker then left the chair, and the House resolved itself into committee.

COLONEL SIBTHORP. — I do not understand that boisterous laughter which succeeds the announcement of this motion.

[Laughter.]

Oh! it may be all very entertaining, indeed; but "let those," say I, "laugh that win." When I find, here, that her Majesty's Ministers propose to give to her Royal Highness Mary Louisa Victoria Duchess of Kent —

[A laugh.]

Well, it *is* Mary.

[Laughter.]

A yearly sum of 30,000*l.*, I have to inquire, and to express my opinion with regard to what is called a message from the Throne. Sir, it is true, it comes down in the shape of a recommendation from her Majesty, but it is the suggestion of her Majesty's servants. The advice is given by her Majesty's bad advisers, and it is attempted to be forced upon her Majesty, on a suggestion that such a grant would be consistent with the feelings, and compatible with the condition of the finances of the country. Now it is not from any disrespect to the Sovereign that I oppose a message of this kind; but because it came from a Government whom I look upon as the very dangerous advisers of the Sovereign. They are men who are professing economy, and, while reducing grants, are placing new burdens upon the country. The ties of nature called on her Royal Highness to perform these duties; and however glad we may be to see those duties performed properly by the mother to her child, it is no more than the country had a right to expect, at the hands of so illustrious a person, that she should have well performed these duties. It was an obligation incumbent upon her Royal Highness, and I believe that she has fulfilled it: but had she not, she would have been deserving of the same censure which any other individual would have met with for a similar neglect of the offices attaching to such relationship.

The Right Honourable Gentleman the Chancellor of the Exchequer endeavoured, the other night, to prove that this was a demand very little burdensome to the public, which he was making in this case. "Oh!" said he, "you are only giving 8000*l.* a-year additional, and what is that? 6000*l.* a-year has fallen in, in consequence of Prince George of Cumberland having become Crown Prince of Hanover, on which account, the pension formerly granted to him lapses; so that, in point of fact, you are giving only an additional 2000*l.* a-year, and what sort of object is that?" I deny the accuracy of this statement. It was met, at the time, by an individual much better versed in calculations of this nature than I am; but I think that it was then proved, to the satisfaction of the House, that the mode in which it was proposed to carry this grant into effect gives to her Royal Highness the Duchess of Kent 20,000*l.* a-year more than her original income. The present aggregate of her income may be thus stated. First, the grant of 6000*l.* a-year, to her Royal Highness for life. Second, the grant for the education and better support of her Royal Highness Princess Victoria, now Queen of England, 6000*l.* a-year. Thirdly, there was 10,000*l.* a-year, in the lifetime of the late King, the whole of which was expressly stated to be for her Royal Highness the Duchess of Kent for her life; but with provision that 6000*l.* a-year of this sum shall be for the same purposes as the second of these grants, the better education and support of her Royal Highness the Princess Victoria. Now I do maintain that these two grants, meaning the second for 6000*l.*, and the subsequent one, 6000*l.*, which were given for the support and comfort of the princess,—I say these grants have completely lapsed. Deducting a portion of these grants, and adding them to the 6000*l.* a-year originially granted to the Duchess of Kent, she is, in point of fact, in personal and absolute possession of 10,000*l.* a-year.

But, then, it is said that circumstances are now changed. I think they are, indeed. For, the first reason why this grant is extravagant and excessive is, that when both these illustrious parties lived together, there must have been far greater expenses to be incurred on the part of her Royal Highness the Duchess, than there can be, now, when her daughter is no longer called upon to participate in her protection, her superintendence, or her hospitality. The second reason is, that her Royal Highness would rather, I dare say, retire into the privacy of domestic or comparative retirement. But we must look to another circumstance of great importance, namely, to what have been the amounts of the grants both to males and females being branches of the Royal Family, who may be considered in every sense of the word nearer to the throne than her Royal Highness, notwithstanding her supposed "increased proximity" to it. I mean the several royal dukes and royal princesses of the blood. The first grants given by George III. were not more than 10,000*l.* each, to the princes, his sons. The grants to his daughters amounted to 30,000*l.* a-year, namely, 10,000*l.* to one, the eldest, and 5000*l.* to each of the other four daughters.

At the present moment, with all the increase that has been allowed during the intervening period, the largest income received by any of the royal dukes is 21,000*l.* a-year; and the princesses, their sisters, have only 13,000 a-year each. I have only to add, that if you have determined to give no more to those several royal personages, I cannot see how you can reconcile it to yourselves, or why you should think fit — (under circumstances in which, through the recent accession of an illustrious person to the throne of these kingdoms, the party whom you propose to benefit is rendered liable to less expenses than she had heretofore to meet) — to grant to that party, the Duchess of Kent, 30,000*l.* a-year. The moment Parliament grants this annuity, the money is gone. How long your liability to it may endure, no man can pretend to know. That is a question which must be determined by circumstances. A great deal has been said about the charities of the Duchess of Kent. For my part, I do not doubt that she has been very charitable. I am confident that her own excellent disposition would prompt her to be so. But in what condition and under what circumstances has she lived, hitherto? There was much more reason for her being so extensively charitable pending her immediate domestic connection with her royal daughter, now our most gracious Queen, than can be predicated of the present moment, when that royal daughter has ascended the throne of these kingdoms. If this amount of 30,000*l.* a-year were necessary to be given to the Duchess of Kent with a view to secure, or add to, her real comforts, I would be the last person in the world to refuse to her the grant. But I say that, if it be proper to grant her 30,000*l.* a-year, now, it was mean and highly unadvisable to grant her only 22,000*l.* a-year, when she had that additional state and splendour to maintain and state to keep up, which it was necessary for her to observe whilst she was still in the guardianship of the Princess Victoria.

Our economists, perhaps, now feel that, having done this, having made this inadequate provision, they are bound to show that they will do something to repair their past injustice. A rumour has gone forth, and some Honourable Gentlemen have even gone so far as directly to allude to it, that her Royal Highness owes debts to a very large amount. Would it not have been more manly in her Majesty's Government to come forward and state such a fact, and call on Parliament, saying, "See what expenses have been incurred by her Royal Highness in managing the education of the Queen." I tell her Majesty's Ministers that I, for one, would have been one of the first to acquiesce in the vote. It is hard that I should be driven, now, to the hard necessity of speaking in opposition to the grant it has pleased them to propose. But I should be wrong if I did not express my feelings on the subject. I say that the conduct of the Government, throughout, has been a sort of compromise — of understanding — of private arrangement. And may it not be possible that there is some sort of stronger interest, out of doors, or in a foreign land, with whom this may be an arrangement in the nature of a compromise, or a sugar-plum for good behaviour? I should be very sorry to say anything which might subject me to the imputation of a want of gratitude, for the hospitality which I experienced in another country when I was in the army; but this proceeding, altogether, does somewhat remind me of a saying applicable to at least one part of her Majesty's dominions, "Scratch me, and I will scratch you."

I have been compelled to say thus much, not without great pain, but because I conscientiously believe that this is a grant which will prove unacceptable to many classes of the people. And this, Sir, depend upon it, we shall find out when we return to our constituents. I object to this, as a most extravagant and uncalled-for grant, in comparison with former grants to various members of the Royal Family; and above all, I object to it because it has been so brought forward with the evident intention of smuggling it through the House, just at the period that it was known our adjournment for the Christmas recess was about to take place. I say that the proposition should have been submitted to us at an earlier stage of the Session, and in a much fuller House. But, perhaps, it has been made, on the present occasion, under the idea of carrying favour with that authority, by whose pleasure it may happen, that Right Honourable Gentlemen and Noble Lords opposite, may not retain their seats for ten days longer. In the strange way that we are going on, I look to their retiring,—I hope to God,—for ever!

[Much laughter, and cries of "Oh, oh!"]

Oh! indeed. If Honourable Members

will seek for these rebukes, assuredly they shall have them. If they will provoke the application of the medicine, they shall have a strong dose of it. I do not envy Gentlemen opposite the feelings they must really labour under at this moment. But I shall certainly divide the House on the motion, with which I shall conclude, and, also, on the next resolution. Finally, I assure the House, that I have a most sincere respect for her Royal Highness; but if my own nearest relative were in the same relative position, I protest that I would take the same course as I am now about to do. I will therefore move, "That the blank be filled with the sum of 22,000*l*." (amount of annuity) instead of 30,000*l*.

[Loud cries of "Divide, divide!"]

SIR SAMUEL WHALLEY. — This grant does appear to me to come before us in so very peculiar a manner, that it seems important to direct the attention of the House to the circumstance. I will very briefly state my view of the matter. I confess that I have great difficulty in making so large an allowance, although I do consider that there are some valid reasons given for it, on account of the Duchess of Kent's "increased proximity to the Throne;" for though her Royal Highness, not being herself a sovereign, does not stand in the relation of Queen-mother to her Majesty, yet she is, to all intents and purposes, in the still very near relation of mother to the Queen. I cannot consider that 30,000*l*. is a very large grant, when compared with the grant of 100,000*l*. to another illustrious individual, the widow of a late Sovereign. Still, had this motion emanated from another quarter, or been differently put, in point of form, I should doubtless have been more inclined to support it; but, when the grounds are looked at, which were alleged by the Honourable and Gallant Member for his view of this case, and his notion of its being a "scratch me, and I'll scratch you" sort of arrangement, — although this last was rather a strong and extraordinary expression, — I must say that I cannot, on grounds so singular, withhold my assent to the proposition of the Government, though it is far from meeting my unqualified approbation.

COLONEL SIBTHORP. — I must take leave to correct the Honourable Gentleman on one point; — I did not allude to the royal individual in that observation.

MR. FINCH. — I certainly think that, under the circumstances of the case, this grant is too large. Under the late King, we were called upon to grant to this Illustrious Lady 10,000*l*. a-year, in addition to 12,000*l*. a-year, of which she was already in receipt: and now we are asked to give 8,000*l*. a-year additional, — making up her income to 30,000*l*. a-year, altogether. In the year 1825, the sixth of George IV., 6000*l*. additional was granted to the 6000*l*. which had previously been the whole income of her Royal Highness the Duchess of Kent, "for the more honourable support and education," as it was expressly stated to be, of her Royal Highness the Princess Victoria. This grant increased the Duchess's income to 12,000*l*. a-year; and this was raised to a total of 22,000*l*. a-year, as I have said, entirely by reason of the heavy expenses attaching to her state as the mother and guardian of the then presumptive heiress to the throne. Now, it is surely to be remembered, that by reason of events which have since taken place, those expenses must, of necessity, have been very considerably reduced, in place of being so augmented as to justify such an increased allowance to the Duchess of Kent. Besides, we must also recollect, that even under the proposition of the Honourable and Gallant Member for Lincoln, which goes to reduce the total of the grants to her Royal Highness to 22,000*l*., her Royal Highness will still be left with an allowance greater, by 1000*l*. per annum, than the largest annuity which we have conferred upon any member of the Royal Family, being a prince of the blood. But this is not all. We must not forget that her Majesty is in possession of the large revenues arising from the duchies of Lancaster and Cornwall; that these form no part of the Civil List; and that they do afford to the Queen sources of additional income, sufficiently large to enable her to make good any deficiency which the income of her Royal Highness, on its present footing, may be thought to present.

The Committee then divided on the question, "That the blank be filled with the sum of 22,000*l*."

Ayes . . .	19
Noes . . .	67

The clause was therefore carried.

COLONEL SIBTHORP. — Considering the present state of the House, and the unprecedented time at which this Bill has been brought forward, I shall postpone bringing up the clause, of which I have given notice (for restricting the payment of the annuity to her Royal Highness the Duchess of Kent), either till the Report upon the clause which has just been carried shall be brought up, or until the third reading of the Bill. I shall certainly wish to take the deliberate opinion of the House of Commons upon the expediency of passing such an enact-as that which my clause contemplates.

Motion withdrawn accordingly.

The several other clauses of the Bill, together with the preamble, were then agreed to; and the Bill was ordered to be reported to-morrow.

COLONEL SIBTHORP.—I beg to say, as these things do, sometimes, go forth to the public, and, without proper explanation, may be misunderstood,—that I did not mean, in adverting to the scratchibility of this proceeding, in the remotest degree to allude to her Royal Highness, but only to her Majesty's Ministers.

MARRIED WOMEN'S BILL.

Mr. SERJEANT TALFOURD brought in a Bill "to enable married women, with the consent of their husbands, to pass their interests in chattels personal:" Also, the

CUSTODY OF INFANTS BILL,

"To provide for the access of parents living apart from each other, to their children of tender age."

These Bills were severally read a first time, and ordered to be read a second time; the former on Wednesday, the 28th of February next; the latter on Wednesday, the 14th of the same month.

HACKNEY CARRIAGES (METROPOLIS) BILL,

"For the better regulation of hackney carriages, and of omnibuses, used in and near the metropolis, and of the drivers and attendants thereof," was brought in by SIR MATTHEW WOOD and LORD GEORGE LENNOX; read a first time, and ordered to be read a second time on Wednesday, the 7th of February next, and to be printed.

MUNICIPAL OFFICERS' DECLARATION BILL.

To this Bill, on the motion of Mr. BAINES, the Lords' amendments were agreed to.

MORTGAGES OF SHIPS BILL,

"To amend the law relating to mortgages of ships and vessels," was read a first time; to be read a second time on Friday next, and to be printed.

JURIES AT SESSIONS BILL.

Considered in committee, and reported, without amendment. Bill to be read a third time to-morrow.

PRESBYTERIANS' OATHS (IRELAND) BILL.

Reported,—to be read a third time to-morrow.

METROPOLIS IMPROVEMENTS.

On the motion of SIR MATTHEW WOOD, a select committee was appointed "to consider and report to the House, the best means of carrying into effect the improvements in the metropolis, as reported by the select committee in the Session of 1836;" the said committee to consist of Sir Matthew Wood, the Chancellor of the Exchequer, Sir Robert Peel, Lord Viscount Lowther, Mr. Herries, Admiral Codrington, Sir Robert Harry Inglis, Mr. Shaw Lefevre, Mr. Wakley, Colonel Evans, Mr. Clay, Mr. George Palmer, Mr. Pendarves, Mr. Barnard, and Mr. Hall. Power to send for persons, papers, and records; five to be the quorum. Report from committee (2d of August, 1836), referred to the committee.

RETURNS, PAPERS, &c.

Post Office Steam Packets.—On the motion of Mr. VIGORS, Returns were ordered,—

Showing the rates and fares charged on board her Majesty's mail steam packets on the Liverpool and Kingstown, Holyhead and Kingstown, Milford and Waterford, and Portpatrick and Donaghadee stations, for passengers, carriages, and horses, from the date of their first establishment, in 1826, down to the latest period, or to 1st December, 1837, with the several alterations in such rates and fares as have been made, and the dates of such alterations, respectively.

Of the number, names, rank, duties, and salaries or wages of all officers, clerks, or other persons employed on the same stations, either on shore, or on board the packets, at the date of the transfer of such packets from the Post Office to the Admiralty, with a corresponding Return for 1st December, 1837, distinguishing such changes and additions as have been made to the several establishments at such stations between such two periods.

Of the several persons, their rank and salaries, and the total expense of the establishment in Dublin, connected with the mail packets, at the date of their transfer to the Admiralty; and a corresponding Return for 1st December, 1837.

County Courts, Middlesex.— On the motion of Mr. WAKLEY, a Return was ordered, —

From the county clerk of the county Court of Middlesex, of the amount of all the money paid by debtors into the court or courts held for and in the several divisions or Hundred of Ossulton, the Hundred of Isleworth and Elthorne, and the Hundred of Edmonton, all in the county of Middlesex, remaining unclaimed by creditors on 31st December, 1824; also, setting forth in the said Return an account of all sums of money received and paid yearly and every year, from 31st December, 1824, to 31st December, 1836, particularising in the said last mentioned account the amount or amounts received in the court or courts held in each of the said Hundreds during the said years; also, setting forth in the said Return, where such monies are now deposited, and, if laid out in government or other securies, the name or names of such securities; also, setting forth in the said Return, if any and what portions of the aforesaid monies, or the interest and dividends thereof, have been appropriated or alienated, and the purposes or purpose of such alienation or appropriation; also, setting forth in the said return whether the said funds are charged or incumbered, and the nature and amount of such charge or incumbrance, and the persons or person for whose benefit and on whose behalf such charges or incumbrances are created.

Public Monuments. — On the motion of Mr. HUME, Return ordered —

Of the number of monuments erected in Westminster Abbey and St. Paul's at the public expense, from the year 1750 to the present time; specifying the names of the persons to whose honour they were erected, and the sums paid for each, with the aggregate amount.

Pensions. — On the motion of Mr. HUME, Return ordered —

Of pensions now payable under the 1st Geo. IV. c. 109., to officers and attendants on his late Majesty George III., and to others to whom pensions had been granted by his late Majesty George III.; stating the name of each person receiving a pension, and the amount of such pensions, and the nature of the office, if any, held by each person under his late Majesty George III.; stating, also, whether he now holds any office, and what office, and the income received from such office, and whether he receives any other pension, salary, or allowance, and to what amount, and from what fund paid.

Similar Return of the pensions granted to the servants of the late Queen Charlotte, under the 59th Geo III., c 22.

Van Diemen's Land. — Papers relative to the claim of William and Andrew Forlong (presented the 10th of July, 1837).

Newspapers. — Returns.

Timber Drawback.— Slavery Abolition Act. — Accounts.

Houses of Parliament. — Abstract of tenders for embankment, &c.

Severally presented the 19th of December, and ordered to be printed, respectively.

Adjourned at twelve o'clock.

HOUSE OF LORDS, VENERIS, 22° DIE DECEMBRII, 1837.

EARL OF CLANCARTY'S CLAIM TO VOTE FOR REPRESENTATIVE PEERS FOR IRELAND.

Report from Committee for Privileges, that his Lordship had made out his claim. — Read, and agreed to; and ordered and adjudged accordingly.

IONIDES'S NATURALISATION. — SAFFRAN'S NATURALISATION. — SCHWANN'S NATURALISATION.

Returned from the Commons, agreed to.

The EARL of SHAFTESBURY sat Speaker.

House adjourned during pleasure, and resumed by the LORD CHANCELLOR.

PRIVATE BILLS.

Petitions for, not to be received after Tuesday, the 20th of March next; nor any Report from the judges thereon after Monday, the 30th of April next.

IMPRISONMENT FOR DEBT BILL.

LORD BROUGHAM presented a petition from the prisoners confined for debt in the borough gaol of Liverpool, in favour of the above Bill.

The petition was then read, and referred to the select committee on the Bill.

CANADA.

LORD BROUGHAM. — Seeing my Noble Friend the Secretary of State for the Colonial Department in his place, I will trouble him with a question relating to a matter of considerable importance. For reasons that are obvious I will go no further than asking the question. I wish to know whether his Majesty's Government are in possession of any official information respecting the late events in the province of Lower Canada? I put this question in consequence of some reports having reached London from Liverpool to-day, of a very inauspicious character, and which I fear are not without foundation. I hope my Noble Friend will have no objection to state whether or not her Majesty's Government are in possession of any authentic accounts from that quarter.

LORD GLENELG. — In answer to the question put by my Noble and Learned Friend, I beg to say that her Majesty's Government are not in possession of any official accounts from that quarter.

VISCOUNT MELBOURNE. — As the subject has been named, I beg to give notice that I intend moving, to-morrow, that this House at its rising shall adjourn till Tuesday, the 16th of January. It was certainly my intention to propose a longer adjournment; but information having been received by the Government of reports or rumours having arrived, which no doubt are of a contradictory character, but which, I fear, establish the fact that open insurrection and rebellion have broken out in Lower Canada, I apprehend it would be both inconvenient and improper, because injurious to the public service — I think that, under such circumstances, we should not be discharging our duty to Parliament if we proposed an adjournment for a longer period than I have mentioned. It is my intention to lay before this House to-morrow all the papers on this subject in possession of the Government; and, when we meet on the 16th, it will be put distinctly to both Houses, whether they intend to support her Majesty's Government in all the measures which we consider necessary on this occasion. I beg to add, that this question will be put, not doubting the answer that we shall receive to it.

LORD BROUGHAM. — The right my Noble Friend has to declare, that he knows, beforehand, what answer the Government will receive to their appeal to Parliament with respect to their policy towards Canada, is a question into the discussion of which I will not enter; but this much I will say, that I heartily approve of my Noble Friend's proposition to substitute the shorter for the longer period of adjournment. I think with my Noble Friend that, considering the present state of Canada, according to that intelligence, which there is too much reason to fear is well-founded, it would be exceedingly unwise, and, indeed, utterly unjustifiable, for Parliament to adjourn beyond the earliest period that may be consistent with the convenience of the Members of both Houses.

SLAVERY.

LORD BROUGHAM. — In moving that the Returns relative to the amount of compensation paid to the slave proprietors, which were last night laid on your Lordships' table be printed, I beg to say that I consider them very satisfactory. The accounts which have been received of the working of the apprenticeship system, and of the treatment of the slaves, have been much exaggerated. I have every reason to believe that the exportation of supplies to the West India colonies have greatly increased, instead of being diminished, since the Emancipation Act was passed. If those supplies were of an inferior quality now to what they were formerly, that would in some degree throw a doubt upon my assumption, but they are not. The fact is that they have increased, and the goodness of the articles has not been diminished. It is evident, therefore, that much benefit must have been derived by those people on emerging from a state of slavery to one of freedom, because they are the consumers of all the articles sent out from this country, for which they pay out of the earnings of their industry. It appears on the face of the papers which have been laid on your Lordships' table, that there has been a general increase in the supplies sent out to the West Indies during the six last years, from 1830 to 1836, particularly in the latter year. The average value of supplies sent out for three years before the passing of the Emancipation Bill was 2,800,000*l.*, while in the three years after the passing of that measure it amounted to 3,600,000*l.*, which was paid for out of the wages of these poor people. I am anxious that the sufferings which the slaves have been compelled to endure should be obliterated as soon as possible, and I know that the complaint of their having been ill-treated by some individuals in the West Indies and the Mauritius is not unfounded. But, when persons assert that the Act has been of no use — that it has wholly failed in its object, I directly state that such is not the fact. Every facility has, I believe, been given by Government to carry the Act into effect. Having said thus much of our own Government, I may be allowed, in justice to another party, whose conduct has been much condemned, to make a few observations: — I allude to the course pursued by certain citizens of the United States. No man more deeply laments than I do the bad spirit which prevails on this subject in a considerable portion of the American Union. No man can wish, or hope, or expect, more confidently than I do, that many years will not elapse before we shall cease to have any cause of complaint against the citizens of the United States, or any portion of them, in this respect. We ought not, however, to do the citizens of the United States so much injustice as to place their situation in comparison with the situation of the people of this country in relation to the question of negro slavery. Unthinking individuals may say, "Oh! see how badly the Americans behave — see how badly both the people and the Government behave as to the slave question — compare their conduct with that of the people of England! The English have emancipated their slaves, but the Americans will not listen to such a proposition." Now, there is not a shadow of similitude between the two cases. Do the people of England live among slaves? are they in constant communication with those unhappy people? No. But the case is different in America. There the master and the slave, the oppressor and the oppresed, constantly meet together. Here the people are 3000 miles distant from scenes of slavery. Hence the great difference of feeling; and when the Legislature of Barbadoes and of the other West India Islands unite in bringing in Bills for the full emancipation of the slaves, it will be time enough for them to look down from the eminence of their lofty philanthropy, and to insult the citizens of the United States for not having followed their example.

LORD GLENELG. — I cannot help expressing the satisfaction with which I have heard the observations of my Noble Friend. I am very happy to find that he approves of the documents that have been laid on your Lordships' table; they prove the truth of the assertion which my Noble and Learned Friend made on a preceding evening, namely, that there has been an obvious improvement in the employment and comforts of the negro in consequence of the Act of emancipation. It is also with much satisfaction that I find my Noble Friend throwing the weight of his authority into the scale against that system of exaggeration which is so commonly indulged in with respect to the effects of that Act. I admit that there are abuses still in the system; but I will ask any reasonable man whether we can hope at once to put a stop to abuses which have existed for ages? Can we expect that men will at once throw aside the common feelings of their nature, or turn them into a directly opposite course to that in which they have been accustomed to flow? It is preposterous to expect such a change to be suddenly accomplished. Men's natural prejudices are not so easily overcome. When I say "natural" prejudices, I must not be supposed to be in favour of them, though they are formed under the sanction of the law of this country. No doubt England did a great thing in passing the Emancipation Act, but we must not expect at once to eradicate all our old feelings. My Noble and Learned Friend has said, "You must not, with reference to this subject, judge of America by the conduct of this country, for the people here are not, as they are in certain parts of America, surrounded day and night by slaves." Now I think that I am bound in some degree to claim the benefit of that observation for the benefit of the West India planters. I lament that in some places a desire to delay the carrying the Act into effect has been manifested in the West Indies; but I am of opinion that before we condemn the planters, we ought to consider the peculiar situation in which they are placed.

LORD BROUGHAM. — What I stated with reference to America, had no relation whatever to the situation of the Legislatures of the West India Islands. In Antigua and Bermuda the slaves were emancipated with perfect safety and signal success. Why should not Barbadoes and Jamaica follow the example? If they do not, for what purpose is 20,000,000*l.* of money granted to them? If the Americans have received this premium — I will not call it a bribe — if they have entered into a compact, if they have made a bargain, if they have received and pocketed this money, and if afterwards they have refused to do that which they have agreed to do, and which those who paid them the money are entitled to expect that they would do,—in that case, but not otherwise, my Noble Friend would have the most perfect right to claim the benefit of my observation for the West India Legislature. He might then say that the cases are parallel, that the same argument applies to both parties, and that the same measure of justice should be meted out to the West Indians which I have meted out to the citizens of America. But the cases are not at all analogous.

LORD REDESDALE. — I believe, with the Noble and Learned Lord, that the unconditional emancipation of the slaves in Antigua and Bermuda has been attended with beneficial effects; but there is a difference between the relative situation of these colonies; some of them are older than others, and in some of these, therefore, the education and general condition of the negroes are much more advanced. I hope your Lordships will recollect the prejudices which exist in our colonies, as well as in the United States, and make due allowances for them. The planters, I believe, are satisfied with the experiment as far as it has gone; they are satisfied with the advantage given to them by the grant of the 20,000,000*l.*; and I have no doubt that, without any interference, in a short time measures will be taken of a most satisfactory character.

LORD BROUGHAM. — I can see no reason why one system should be pursued in Antigua, and another in Jamaica. Nothing can be adduced to justify the continuance of the cruelties of which I complain. Does the local Legislature seem inclined to put an end to them? In answer to that, I will read, in addition to what I laid before your Lordships on a former night, another extract from an address delivered by my Noble Friend the Marquess of Sligo to the House of Assembly in Jamaica. "The whipping of female slaves is indefensible; and I called upon you for enactments to put an end to a system which was contrary to humanity and repugnant to law; but, so far from passing an Act to prevent such cruelty, you have not, in any way, even expressed your disapprobation of it." So much for the desire of the local Legislature to act up to the expressed wishes of Parliament!

CIVIL LIST BILL.

On the motion of VISCOUNT DUNCANNON, this Bill was read a third time, and passed.

PRISONERS' CONVEYANCE (IRELAND) BILL.

Read a second time (according to

order); committee negatived; and Bill to be read a third time to-morrow.

HOUSES OF PARLIAMENT BILL.

On the Order of the Day for the third reading of this Bill being read, —

LORD BROUGHAM said: — My Lords, I cannot help complaining of the slovenly manner in which business is done in this House. This Bill has been read a third time, and I have never heard a word of it. If I had, I should most decidedly have opposed that clause which imposes a fine of 10*l.* upon valuation juries if they do not give in a verdict. It is a totally new principle in legislation, so far as I am aware, and, in my opinion, is absurd and oppressive.

VISCOUNT DUNCANNON. — The clause the Noble and Learned Lord complains of I have found in the Strand Improvement Act, and others of a like nature. I have only followed the precedent in similar Bills.

Bill read a third time, and passed.

SLAVE COMPENSATION BILL.

Order of the Day for the House to be put into committee, and the Lords summoned, read. House in committee accordingly, and Bill reported without amendment, and to be read a third time to-morrow.

JURIES' ADJOURNED QUARTER SESSIONS SUMMONING BILL.

Returned from the Commons, agreed to, with amendments; and the Commons' amendments considered, and agreed to.

PRESBYTERIAN OATHS (IRELAND) BILL.

On this Bill being brought from the Commons, —

VISCOUNT MELBOURNE said: — In moving the first reading of the Presbyterian Oaths (Ireland) Bill, I beg to state that the object of the measure is merely to put Presbyterians in Ireland upon the same footing with their brethren in Scotland, who take oaths in courts of justice by holding up the hand in place of kissing the Testament.

The Bill was then read a first time, and ordered to be printed.

MUNICIPAL OFFICERS' DECLARATION BILL.

Returned from the Commons, with the amendments agreed to.

SLAVERY.

The DUKE of SUTHERLAND presented petitions for the entire emancipation of negro apprenticeship, — from persons worshipping at Bedford Chapel, Shelton; at Bethesda Chapel, Shelton; and at Northwood Chapel, Hanley.

Read, and ordered to lie on the Table.

BANKRUPTS' ESTATES.

LORD BROUGHAM moved for a Return, by the official assignees, of the number of actions brought under each fiat since the establishment of the Court of Bankruptcy for the recovery of debts due to the bankrupt's estate, and of all suits in equity under such fiats. And, also, a Return by the official assignees in the Court of Bankruptcy of the number of debts under 1*l.*; above 1*l.* and under 5*l.*; above 5*l.* and under 10*l.*; above 10*l.* and under 20*l.*; above 20*l.* and under 30*l.*; above 30*l.* and under 50*l.*; above 50*l.* and under 100*l.*; above 100*l.* and under 500*l.*; above 500*l.* and under 1000*l.*; above 1000*l.*: and how many of each have been recovered, and at what legal expenses."

Ordered to be laid before the House.

PAPERS, &c.

Account of all sums paid to defray the expenses of the Commission of Slavery Compensation, with the dates of such payments. And also,

Account of the total amount of the sums claimed, respecting which no award has been made by the Commissioners of Slavery Compensation; distinguishing the colonies.

Severally delivered (pursuant to order of the 24th of November last), and to be printed.

An account showing the amount of

monies which would have been applicable to the civil government in England, if the hereditary and temporary revenues of the Crown enjoyed by his Majesty King George II. had been enjoyed by succeeding Sovereigns, distinguishing their reigns; that is to say, by his Majesty King George III., from the 25th of October, 1760, to the 29th of January, 1820; by his Majesty King George IV., from the 29th of January, 1820, to the 26th of June, 1830; and by his Majesty King William IV., from the 26th of June, 1830, to the 21st of June, 1837; and in each reign distinguishing the receipts of each year, and distinguishing also the hereditary and the temporary revenue of the Crown, respectively; showing also, first, the amount of the annuity received by their late Majesties in lieu of those revenues; secondly, the amount of monies granted by Parliament for the discharge of the Civil List debt during the said period; and, thirdly, the difference to the nation upon the balance of the said account in respect to each reign, so far as the same can be ascertained. — Delivered (pursuant to an order of yesterday), and to be printed.

List specifying the particulars of the compensation proposed to be granted to certain persons late in the service of the East India Company (No. 79). — Delivered, and ordered to lie on the Table.

Adjourned.

HOUSE OF COMMONS.

PRIVATE BUSINESS.

London and Croydon Railway (No. 1.). — *London and Croydon Railway* (No. 2.). — *Saint Luke's Hospital.* — Petitions for Bills. — Referred, severally, to the Select Committee on Petitions for Private Bills.

Paington Harbour Bill,—"for making and maintaining a harbour at Paington, in the county of Devon."—Presented, and read a first time; to be read a second time.

Joly's Naturalisation Bill. — Read a second time, and committed to Mr. GEORGE FREDERICK YOUNG and the Middlesex List.

RETURNS, &c.

Westminster Bridge. — Annual accounts presented (by Act).

East India Company. — Lists No. 78. and 79., presented, of particulars of compensation proposed to be granted to reduced servants of the East India Company (by Act).

To lie on the Table.

PUBLIC BUSINESS.

MISCELLANEOUS PETITIONS.

The following petitions were severally presented, namely: —

Church Rates, — By LORD VISCOUNT EBRINGTON, — from Berrynarbor, for abolition of.

Drunkenness, — By Mr. HINDLEY, — of Magnus Klein, for devising the best means for repressing drunkenness.

Fishguard Harbour Act, — By SIR FREDERICK TRENCH, — from Scarborough, for repealing clauses imposing a passing toll.

Dorchester Labourers, — By Mr. WAKLEY, — from Marylebone, for inquiry into the cause of their non-arrival. On presenting this petition, the Honourable Member said: — If I do not, in the course of the evening, receive from the Under-Secretary of the Colonies, whom I do not now see in his place, a satisfactory account of the circumstances connected with their pardon and their transmission to this country, I shall feel it my duty to submit a motion on the subject after the recess.

Mr. LABOUCHERE. — I would suggest that the better course would be for the Honourable Member to apply to the proper department of administration for the information which he wishes to obtain. The Under-Secretary of the Colonier has already stated that the pardon has been forwarded, and that the parties are on their way to this country.

To lie on the Table.

Postage, — By Mr. WAKLEY, — of the governors and directors of the United Royal Jennerian and London Vaccine Institutions, for establishing a uniform low rate of postage. — Referred to the Select Committee on Postage.

Poor Law Amendment Act, — By Mr. SERJEANT TALFOURD, — from Cheltenham, for alteration. — Referred to the Select Committee on the Poor Law Amendment Act.

Ballot, — By Mr. GROTE, — from Earl Stonham, in favour. — To lie on the Table.

RETURNS, &c.

On the motion of Mr. CUTLAR FERGUSSON, Returns were ordered, —

From the board of commissioners of northern lights, of the number of lighthouses erected in each of the maritime counties of Scotland, or the islands or rocks belonging thereto, with the expense of erecting or altering each of those lighthouses, and the yearly expense for the lighting and keeping in repair each lighthouse, for the last five years preceding January, 1838.

Of all lighthouses at present erecting in any of these counties, the erection of which has been commenced since the 1st of January, 1836, with the estimated expense thereof, respectively, and for lighting and keeping in repair each such lighthouse.

Of the Scotch maritime counties on which no lighthouses have been yet erected, and the distance of miles of coast of these counties, and how far situated from any lighthouse erected by the northern light board.

Of the annual amount of lighthouse dues received from the officers of customs, and collected by them from the several ports in each of these counties during the last five years; specifying the different lighthouses for which these dues have been collected.

Of the names of the northern light commissioners who have sailed in the northern light board yacht in each of the last five years preceding January, 1838, along with their engineer, to inspect the different lighthouses; and stating the lighthouses those commissioners have landed at and inspected yearly, and the maritime counties they have examined, for which lighthouses have been applied for.

Poor Law Amendment Act. — On the motion of Mr. WAKLEY, a Return was ordered, —

By medical officers of unions, for the year 1837, stating the name of the medical officer; union or district; parishes, describing the number and population of 1831; area of the union or medical district; distance of its boundaries from the surgeon's residence, north, south, east, or west; average number constantly on the sick list; total number of cases treated; total number of persons treated; number of attendances at surgeon's residence, at workhouse, at patient's home, and total; cases, how disposed of, cured, dead, otherwise ceased to be under medical treatment, remaining under medical treatment on the 1st of January, 1838, and total; and remuneration, where a salary is paid, stating the amount of salary; addition for midwifery, vaccination, and other special diseases or accidents, and special remuneration (if any) for non-settled paupers; and, where a salary is not paid, stating the amount and nature of the remuneration.

Return, by medical officers of unions, stating the names of medical officers; nature of medical qualification or title, a member of what college or medical company; age; age when licensed to practice; age on taking office, and age on entering district.

Post Office. — Copy presented of the Tenth Report of the Commissioners appointed to inquire into the Post Office Department. — To lie on the Table.

JURIES AT SESSIONS BILL.

On the motion of the SOLICITOR GENERAL, this Bill was read a third time. Amendments made; Bill passed, with amendments.

PRESBYTERIANS' OATHS (IRELAND) BILL.

Read a third time, and passed.

NEWRY ELECTION.

Mr. SPEAKER acquainted the House, that Patrick Bradley and Peter Mayence, who petitioned this House upon the 7th day of December instant, complaining of an undue election and return for the borough of Newry, had not entered into a recognisance in respect of such petition, according to the directions of an Act passed in the ninth year of the reign of his Majesty King George the Fourth, intituled, "An Act to consolidate and amend the laws relating to the Trial of controverted Elections or Returns of Members to serve in Parliament."

Order for considering petition on Tuesday, the 20th day of March next, read, and discharged.

BELFAST ELECTION.

Mr. SPEAKER also acquainted the House, that Edward Ledger and the other electors, who petitioned this House upon the 7th day of December instant, complaining of an undue election and return for the borough of Belfast, had not entered into a recognisance in respect of such petition, according to the directions of the said Act.

Order for considering petition on Tuesday, the 13th day of February next, read, and discharged.

DUBLIN CITY ELECTION.

Mr. SPEAKER also acquainted the House, that Edward Cottingham, and the other electors, who petitioned this House upon the 7th day of December instant, complaining of an undue election and return for the city of Dublin, had not entered into a recognisance in respect of such petition, according to the directions of the said Act.

Order for considering petition on Tuesday, the 13th day of March next, read, and discharged.

KERRY COUNTY ELECTION.

Mr. SPEAKER also acquainted the House, that Stephen Walsh and James Barnett, electors, who petitioned this House upon the 7th day of December instant, complaining of an undue election and return for the county of Kerry, had not entered into a recognisance in respect of such petition, according to the directions of the said Act.

Order for considering petition on Tuesday, the 20th day of March next, read, and discharged.

CARLOW COUNTY ELECTION.

Mr. SPEAKER also acquainted the House, that William Fitzwilliam Burton, Esquire, and the other electors, who petitioned this House upon the 7th day of December instant, complaining of an undue election and return for the county of Carlow, had not entered into a recognisance in respect of such petition, according to the directions of the said Act.

Order for considering petition on Tuesday, the 13th day of March next, read, and discharged.

CARLOW BOROUGH ELECTION.

Mr. SPEAKER also acquainted the House, that William Fishbourne, and the other electors, who petitioned this House upon the 7th day of December instant, complaining of an undue election and return for the borough of Carlow, had not entered into a recognisance in respect of such petition, according to the directions of the said Act.

Order for considering petition on Thursday, the 8th day of March next, read, and discharged.

SLIGO COUNTY ELECTION.

Mr. SPEAKER also acquainted the House, that John Gallaher, and the other electors, who petitioned this House on the 7th day of December instant, complaining of an undue election and return for the county of Sligo, had not entered into a recognisance in respect of such petition, according to the directions of the said Act.

Order for considering petition on Thursday, the 29th day of March next, read, and discharged.

FISHGUARD HARBOUR.

Mr. G. F. YOUNG.—Seeing the President of the Board of Trade in his place, I wish to put a question on a subject to which great importance is attached by all connected with the shipping interest of the country. It relates to the petition recently presented by the Honourable and Gallant Member for Scarborough. The Right Honourable Gentleman (Mr. P. Thomson) on former occasions expressed his disapprobation of the principle of passing tolls, when it was proposed to sanction that principle in a Bill which had been brought into the House to provide for the construction of a harbour at Scarborough, and which was subsequently rejected; yet the Fishguard Harbour Act has been suffered to pass with a clause authorising the exaction of a toll ten times as great, and under circumstances a hundredfold more objectionable, the only object of the Act being to raise the value of private property. I beg to ask, whether it is the intention of the Right Honourable Gentleman to introduce a Bill to repeal this most unjust, impolitic, and onerous impost?

Mr. P. THOMSON.—I am much obliged to the Honourable Gentleman for giving me an opportunity of stating the course I intend to take on this subject. I am anxious that that course may go forth to the public, in order that the parties who have promoted the Act may have no claim for compensation, and no ground of complaint that they have not had a sufficient warning of any proceedings which may be taken against them. This is one of those cases which arise from the absence of any check in this House upon Private Bills of a nature materially affecting the general interests of the public. I trust that, by the adoption of the recommendation of a select committee, of which I was chairman, last year, to the effect that a breviate of every private Bill should be prepared, stating its contents, and the manner in which it would affect the public interests, the recurrence of such cases would be prevented. I think that the House would only do what were just in the present case were it to correct the injury inflicted on the public, and punish those who were the authors of it. A private Bill was introduced (for making a harbour at Fishguard) containing a clause imposing a toll on all ships passing it, after it had become notorious, from the reports contained in the public papers, that the strongest feeling was entertained against such a measure, under general circumstances, on both sides of the House. It is impossible for any one to follow these private Bills, which are read at an hour in the evening when many gentlemen are not in their places, and even the titles of the Bills can scarcely be heard, so that no opposition can be offered to it. The limits within which these harbour tolls are to be levied, are declared to be the port of Wexford on one side, and the Welch coast on the other, and a duty is levied on every ship passing up or down the Channel, or crossing it between these two points. This is certainly a monstrous fraud on the public. I am not aware whether the repeal of the clause can now be effected by a public Bill; but if so, I shall certainly introduce a Bill for that purpose; and if not, I shall be prepared to introduce, at the expense of Government, a private Bill repealing the obnoxious provision.

SIR FREDERICK TRENCH. — I am very happy to find that the Right Honourable Gentleman takes the view which he has expressed, and I cannot but hope justice will be done.

Mr. G. F. YOUNG. — I beg to return the Right Honourable Gentleman my best thanks for his explanation, which cannot fail to be very satisfactory to those who are interested in the matter.

Mr. C. FERGUSSON. — As one of the Members for Scotland, I am bound to state that great injustice has been done to the trade of that country by the mode in which private Bills have been passed in this House. I never heard of what was contemplated by this measure until it was too late. It appears to me, that the best remedy for the evils, arising out of the present mode of conducting private business, would be, to print all private Bills as well as public ones.

Mr. POULETT THOMSON.—I really see many objections to our adopting the last suggestion thrown out by my Right Honourable Friend (Mr. R. C. Fergusson), and I think it would be much better to have an abbreviated form of each private Bill drawn up. This is a point, however, which will, no doubt, be duly considered by you, Sir, and I presume that arrangements will be made to remedy every such existing evil. After the recess, I will myself propose certain resolutions in conformity with the recommendations of the Committee on Private Business, upon which a distinct system may be founded.

POOR LAW UNIONS.

Mr. MACLEAN. — I wish to direct the attention of the Noble Lord to two points connected with the administration of the poor law unions. The first is, that no chaplains are appointed to them, and no provision made for the regular performance of divine service by a proper officer. I wish to know, also, whether, in any of the unions, permission has been given to persons dissenting from the doctrines of the Established Church to attend divine worship at the meeting-houses of their own persuasion?

LORD JOHN RUSSELL. — I have directed the attention of the Poor Law Commissioners to this subject. I understand, from them, that in many of the unions chaplains have been appointed, who perform duty regularly. The particulars of the information I have received, I am not now prepared to give, but I have no objection to furnish it to the Honourable Member to-morrow. Many of the unions, the Honourable Member is aware, are now only in progress, and the arrangements are not yet matured.

Mr. MACLEAN. — These matters will probably come under the consideration of the committee appointed by the House to investigate the working of the Poor Law Amendment Act; but, unless some more satisfactory provision for the performance of divine service is made, and unless the Noble Lord takes the appointment of chaplains into his own hands, I shall bring forward a motion on this subject after the recess.

AFFAIRS OF CANADA. — ADJOURNMENT OF THE HOUSE.

LORD JOHN RUSSELL. — Sir, in rising to move the Order of the day for going into committee of supply, I wish to state, in the first place, that I do so for the purpose (which I think a very legitimate purpose) of giving the Honourable Member for Westminster an opportunity of making any remarks which may seem to him necessary or expedient on the subject of the affairs of Canada. But, lest the Honourable Gentleman may have been misled by the intentions of Government, as declared by me in this place, it will be proper for me to mention to him, and to the House, what is at present intended with respect to the adjournment of Parliament. It was intended, certainly, — and I had hoped, almost up to this day, that I should have been enabled to carry that intention into effect,—to move an adjournment of this House till the 1st of February, with the view of relieving its Members, until that day should arrive, from any further attention on their parliamentary duties. But, Sir, upon considering the whole question of the affairs of Canada, I shall not think it my duty—I shall not think that I am justified in proposing to this House so long an adjournment. I do not mean to say, Sir, that I think that any measures which can be taken by Parliament with regard to the affairs of Lower Canada can have immediate effect upon what is at present passing in that province. The state of its affairs, Sir, is this. The Assembly of the province having been convened, to consider of the resolutions passed last session by the House, was necessarily adjourned, in consequence of their refusal to entertain the question of the supplies, or to proceed to business. Since that time, various symptoms have occurred, as detailed by Lord Gosford in several despatches and letters from Lower Canada, showing that the intention of the party which considered itself aggrieved was no longer to seek redress by means of any representation from the Assembly, but, in fact, to have recourse to arms for the purpose of opposing, by force, the troops stationed in the province to uphold the authority of her Majesty. I have already stated to the House that, according to the wish of Lord Gosford — (although he declared that he was ready to remain in Canada should the public service require his continued presence, — yet it being, I say, his wish, if there were no such necessity, to retire from the government of the lower province, where he had been sent in the hope of a conciliatory adjustment of the existing differences,) her Majesty's Government have relieved him from the duty and burden they had imposed upon him, and have intrusted, temporarily, to Sir John Colborne, the administration of the affairs of Lower Canada. The commission given to the Earl of Gosford would necessarily devolve upon Sir John Colborne in case of the retirement or the absence of the parties intrusted with the administration of the affairs of the colony ;, but with the accounts which were received, showing, evidently, a disposition to resist, by force, the execution of the law — showing a disposition to drive those who were well disposed and peaceable into the ranks of rebellion ; — with such accounts, I say — (speaking of their result, and, indeed, I am rather understating the substance of those statements of Lord Gosford), — the Government thought it necessary, in intrusting Sir John Colborne with the temporary administration of the affairs of the province, to inform him, that whilst they had the greatest confidence in the steadiness and judgment with which he would exercise the power reposed in him,—while they asked him to forbear to resort to measures of the strongest description, unless he should find them absolutely necessary, — yet, in the case of that absolute necessity, if he should find the proclamation and enforcement of martial law in the province inevitable, her Majesty's Government were ready to be responsible for that act, and that he might look for support from her Majesty in his loyal endeavours to preserve the obedience and allegiance of the province to the British crown.

Sir, such was, in the opinion of the Government, their duty to her Majesty and this country. The accounts that have been received since that order was sent out, have tended rather to show a greater disposition to disturbance, a greater disposition to raise and to arm bodies of men, with the view of opposing the law, than has hitherto existed. With respect to the accounts that are in the newspapers to-day, no official despatches have yet been received by the Government from the same quarters; but still, I think, looking at the form in which those accounts appear, I cannot doubt, whatever may be the exact particulars, that a collision has taken place between a portion of her Majesty's troops and a number of persons assembled in arms with the traitorous and treasonable purpose of overturning the authority of the British Government in the colony. Such being the state of things, Sir, — although, as I said, I do not think any immediate remedy now to be applied by Parliament can give much greater authority than her Majesty's Government have already intrusted to Sir John Colborne, — yet I think we should not be justified in delaying the meeting of Parliament beyond the earliest period at which we can have the means of assembling any considerable number of Members. It will be our duty, when Parliament again assembles, to make them acacquainted with the course we mean to pursue; for with respect either to what has happened hitherto, or to the intelligence that may be received between this time and the meeting of Parliament, and upon which the judgment of Parliament may be pronounced; — such, it appears to me, is the duty of Ministers of this country, acting, as all Ministers of this country must do, in concurrence with the opinion of Parliament, and only being justified in taking measures of extreme force so long as the opinion of Parliament supports them in those measures. Therefore, Sir, I wish to state to the Honourable Gentleman, that it is our intention, in the first place, to produce, to-morrow, all the information which can be produced without injury to the public service, collected from the despatches and other documents transmitted by Lord Gosford. That information being laid before Parliament, it will necessarily require some short time to read and consider. It is, further, our intention, considering that though Parliament cannot be brought together immediately after Christmas in sufficient strength to consider of matters of such importance, — yet that, at the same time, we should not be justified in delaying, till the 1st of February, the meeting of this House, — to propose an adjournment till Tuesday, the 16th of January. I have to inform the Honourable Gentleman who proposes to make the motion on the paper to-night, that I certainly do not think it would be useful or expedient that, in any answer which I may make to his remarks, I should enter into any general statement on the affairs of Canada, on which no definitive resolution can be come to in a House so thinned, by absence, as this at present is. But it is not our wish to withhold information from Parliament on a matter so grave and so important; and, in the middle of January, we propose to meet them, with the view of calling on them for their sanction to such measures as we may deem necessary; but, at all events, to call on them for their decision, ay or no, whether they will concur with us in a determination — "that those who are well-affected to the Crown of this empire shall be supported," — in order that we may act, not only by command of her Majesty, but also with the full concurrence and consent of Parliament. I beg to move that the order of the day be now read for going into a committee of supply.

Mr. LEADER. — The Noble Lord has told the House that he will lay all the papers connected with this subject before it; and the Noble Lord has said, moreover, that he does not consider himself bound, at this time, to enter further into this subject. The Noble Lord will take that course which may seem to him advisable; but the urgency and importance of the Canada question not only justify me in pressing the subject on the attention of the House, but render it an imperative duty on my part to call for a discussion of the question, in order to make the House and the country thoroughly aware of the present state of British North America, and to enable them not only to form an impartial judgment on the past and present conduct, and on the intentions, of the Government, but to decide for themselves what is now the best course to be taken for the interest alike of Canada and of Great Britain. The interests, the liberties, the very lives and fortunes of our Canadian fellow-citizens, the honour and peace of this country, are in imminent danger; it cannot, then, be unreasonable or ill-timed to ask the representatives of the people to consider by what means a great, flourishing, tranquil, and eminently loyal colony has been driven into a state of disturbance, amounting to open insurrection; by what means the evil may yet be removed or mitigated; and, above all, by what means we may be saved from an unjust war, which can bring no advantage, and which, whatever be its results, must inevitably inflict dishonour on this country.

It may be advisable, first of all, to give a very brief sketch of the present uneasy state of Lower Canada, and of the chief cause of that uneasiness. The affairs of that country, owing to its disturbed state, and to the deep and painful interest which attaches to the cause of a gallant but comparatively small and feeble people, struggling for their rights against a gigantic power, have lately occupied so much of the public attention, that a very concise statement will be sufficient. For many years past the Canadians have complained of numerous grievances; and, having first petitioned in vain, they at last demanded redress. Although every one of their complaints was admitted to be well founded, their prayers were neglected, their demands were treated as unreasonable; they were too weak to command attention, for they were not considered strong enough to enforce redress. For many years they went on petitioning in vain; trusting to the generosity of England and hoping for relief, till even the hope of justice from England seems to have left them: then, and not till then, having discovered the fruitlessness of supplication, they had recourse to that legal power which their constitution gave them, and they refused to vote any money for a Government which had obstinately refused to accede to their just demands. In doing this they exercised a known, recognised, legal right conferred upon them by the constitution which England had given them. You say they used their right improperly and at an improper time, and therefore you coerce them; but you are not to make yourselves judges of the time and manner in which a constitutional assembly is to exercise a legal right. Yet such was the course pursued by the Government, when the Canadian Assembly determined to vote no supplies till their acknowledged grievances were redressed. Instead of redressing or attempting to redress the grievances complained of, our Government passed resolutions subversive of the Canadian constitution. By these resolutions the Canadians, before excited by long years of misgovernment, were driven to desperation. They saw clearly that there was no justice for them in the Executive Government, or in the Colonial Office, or in the British Parliament; that it was the intention of the Government to chastise and to oppress them. They felt that they were forced into this dilemma,—either to submit to the resolutions and be slaves, or to resist them and run the risk of civil war. In this dilemma they made that choice which would be made by every people who had once enjoyed any portion of freedom — they determined on resistance. They would have been despicable, and the English people would have been the first to despise them, if, taking the other alternative, they had tamely submitted to injustice and oppression. Their measures of resistance have been well constituted and well executed. Meetings were held, at which the resolutions, and the Ministers who passed them, were denounced in the strongest terms of indignation and defiance; addresses were issued, plainly declaring that no justice could be now expected from England, — that the Canadians must now trust to themselves alone, and that they had no chance of good government but in a separation from Great Britain; clubs were formed for the purpose of the complete organisation, and especially of mustering, and drilling, and habituating to the use of arms, and to military evolutions, the young men of the province; provisional local courts were established for the administration of law and the settling of disputes; the established courts, and those who continued to take their differences to be decided by them, were publicly denounced; all commerce and intercourse with English merchants were publicly proscribed, the Canadians pledging themselves to use no taxed articles, that they might injure the revenue, and generally to use no articles of British manufacture, that they might show their sense of the injustice which the British Government had inflicted upon them.

All these measures of resistance were carried into effect under the management of committees of vigilance appointed especially for that purpose; but the Canadian population needed little or no admonition from their leaders to induce them to adopt, and rigidly to adhere to, these measures; their hearts were in the cause, and he was considered the best patriot who most embarrassed the detested, because tyrannical, Government. So well have the measures of resistance been executed, that Canada is now in open revolt. There is one point to which I would especially call attention, and that is, to the determination of the Canadians to use no articles of British produce. The manufacturers of this country, already embarrassed to find a sufficient market for their produce, will thus be almost entirely shut out from the markets of a country which consumed, annually, a large quantity of their goods. The House will remember that precisely the same system of non-intercourse was pursued by the Americans in the commencement of their struggle. The idea was ridiculed by the minister of the day, who seemed really to believe that the Americans could not exist without articles of British produce. What was Benjamin Franklin's evidence on that occasion, when he was asked if he did not think cloth from England absolutely necessary for the Americans. "By no means," he said; "with industry and good management they may very well supply themselves with all they want." When he was further asked, if it would not take a long time to establish the manufacture among them, and if they would not in the mean while suffer greatly? "I think not," he answered; "they have made a surprising progress already; and I am of opinion that their old clothes will last them till they have new ones of their own making." The very same words may be applied to the present case, but with this addition, that the Canadians have also the advantage of getting all they want by smuggling from the United States. In this they will of course be assisted by the Americans, who derive from the same system all the advantages which the British merchant has lost. An extensive plan of smuggling is accordingly, at this moment, in active operation; it is recommended openly at public meetings, and of course assisted in every possible manner by the Americans, and the population on each side of the border. It may be said that this plan of non-intercourse cannot have the effect intended by the popular party, because there is a strong and numerous party in Canada, which, far from adopting the system, will make every exertion to defeat it. Now, where is this party to be found, and who compose it? Why, it is to be found in Montreal and Quebec only; and it is composed almost entirely of those British merchants and their dependents against whom the system is expressly levelled; and stating their numbers at the very highest amount, they do not form one-fifth of the population.

Now that I am speaking of the ascendancy party, I have a remark to make on a recent riot at Montreal, in which it is said the popular party was defeated, and which has given rise to many exaggerated estimates of the strength of the ascendancy party in Lower Canada, and to many vain boastings of the ease with which the minority could put down the majority in that province — precisely as the Orangemen in Ireland are continually boasting of their superior intelligence and bravery, and of the ease with which they would, if permitted by England, overwhelm and for ever silence the Roman Catholics of Ireland. Sir, the facts of the case are briefly these: — A detachment of a club called the "Sons of Liberty," on their way home from a meeting, were attacked by a Tory club, called "The Doric." The aggressors were beaten off; and there the matter would have ended, but that the Tories, reinforced, came back to the scene of action, and finding no one there to oppose them, they proceeded to the office of the *Vindicator*, a Liberal paper, in which office there happened to be no one but an old woman. The Tories bravely stormed the office thus garrisoned, and destroyed all the property which they there found. And this is the great affair which has decided that the Tory party is much stronger than the popular party in Lower Canada! Why, consider the case for a moment; the strength of the Tory party, if not the whole party, is confessedly concentrated in Mortreal and Quebec; the chief official and military force is also mustered there. Now, it would be madness in the popular party to commence the insurrectionary movement in either of those towns; in them they would be exposed to every disadvantage, while in any country district they would have every advantage. Besides, the triumph, if triumph there be, was achieved, not by the Tory mob alone, but by the Tory mob backed by the presence in the town of a large military force; and such is the estimation in which British magistrates and British troops are held by the Cadadians, that they firmly believe that, in any disturbance or collision between even a Tory and Liberal mob, the magistrates and troops would not act fairly to disperse the general mob, and to afford equal protection to the persons and properties of Tories and Liberals indiscriminately, but that they would act as partisans for the Tories, and against them. The fact is, that the riot at Montreal affords no indication whatever of the relative strength of the Tory and Liberal parties in Canada. It would be as reasonable to bring forward a riot at Belfast or Londonderry, in which an Orange mob should gain some slight uncontested advantage, as a proof that the Orange party was much stronger than the Roman Catholic party throughout Ireland.

But what is the state of feeling in the other North American colonies? We are told, by the Government, that Lower Canada alone is discontented and rebellious. Her Majesty's Ministers find it quite refreshing to turn from the inflammatory denunciations and the violent resistance of the Lower Canadians, to the calm, peaceable, and well-affected inhabitants of Upper Canada. But are they not deluding themselves with vain hopes? There have been many meetings in Upper Canada, attended by great numbers of armed men; and, at those meetings, the coercive resolutions have been denounced in language as strong and as stern as in Lower Canada, and solemn pledges have been given, by those present at them, to their brethren in Lower Canada, that they will assist them to resist the oppression of the British Government, and to assert their independence. And if Upper Canada is so very quiet and well disposed, what can be the meaning of certain demands made at these meetings for redress of grievances? and why has the Governor, who, according to official judgment, had done so much good in the province, lately resigned, or been dismissed from his government? But, even if Upper Canada were really as quiet as Ministers would have us believe, they have determined that it shall not remain quiet much longer, for they have sent out as governor a man who, if he did not find a rebellion there, would be the cause of one. I have never seen Colonel Arthur — I hear from good authority that he is a man of talent and a good soldier — yet a more unfit man to be sent out as governor of a free colony could not have been selected. I pass by the grave and serious charges which have been made against him, and I ask, is a man who, for the last ten years, has had despotic sway over a penal colony, a fit man to send out as governor of a free colony? — that is, in other words, a man who has had to enforce a system of the most barbarous cruelty in a country which is one huge prison-house. It will, it must hurt the proper pride of free colonists to have such a man set over them, and especially at a moment when the public mind in a neighbouring colony, if not in the colony itself, is most highly excited. Have Ministers heard no whisper of grievances unredressed in Nova Scotia and New Brunswick? Have they heard nothing of stopping the supplies in Newfoundland? Why, in the *Chronicle* of yesterday, there was a paragraph stating that the differences in Newfoundland were not arranged, but that "no riot had yet taken place;" as if the writer was expecting every day to hear that the inhabitants of Newfoundland had imitated the Canadians in insurrection, as they have already imitated them in refusing the supplies. Why, this is the very crime of the Canadians. The Government, if they mean to act consistently in their injustice, must, at once, draw up coercive resolutions againt Newfoundland, and deprive the inhabitants of that province of their constitutional rights. The whole of British North America is in a state of uneasiness and disturbance; the Government, therefore, in any struggle, will have to contend, not against Lower Canada alone, but against all our colonies in North America.

I come now to a review of the strength of the contending parties, of the chances of success, and of the consequent advantages which England on the one hand, and the North American provinces on the other, may fairly anticipate as the result of their struggle. On one side, then, is the authority of the Executive Government, backed by the large military force, and all the power at their disposal, — I will not say supported by the power of England, because I hope and trust that the people of England would not sanction a crusade against the constitutional rights of a free colony. But, great as the power of the English Government unquestionably is, it was found insufficient, even when fostered and encouraged by the popular voice of England, to put down the comparatively insignificant force of the Americans, even at the commencement of their struggle for independence. On the other side, — the great distance from England, — the vast extent of country to be subdued and occupied, — and, above all, the determined spirit of the people, inflamed by the memory of wrongs unredressed, fortified by the conviction that they have justice on their side, — all these obstacles now interpose, as they interposed in the last century, between any attempt of the English Government to coerce our North American colonies, and a successful termination of any such attempt. There is thus the obvious obstacle of conveying troops to the other side of the Atlantic, and keeping them in a country like Canada, with four fifths of the population hostile. With a small force, you may possibly keep possession of Quebec and Montreal, though Quebec is the only really strong place in the country. Montreal is an open town, and any military operations in it would do mischief chiefly to the warehouses and dwellings of the British merchants. But to keep possession of the country districts would require a very large force, at an enormous expense, and producing no advantage whatever to this country, and it would be all but impossible for almost any force effectually to protect the steamers and other vessels navigating the St. Lawrence from Quebec upwards from the harassing attacks of any small predatory parties suddenly posted on any of the numerous islands which stud the river, or on any of the high grounds which command it. But the Canadians have two advantages which the Americans had not: first, the inducements held out, and the facilities afforded to British soldiers to desert; and secondly, the assistance which has been offered, and will unquestionably be given to them, by large and independent, but well-armed and organised bodies of citizens, from neighbouring states.

The Noble Lord denied, the other night, that there was an unusually large amount of desertion from the military force in the Canadas: the usual amount of desertion there must, then, be very large indeed; for I have from the best authority, that it is difficult to keep the regiments together, and that small detached parties frequently desert in a body. This will appear not only probable, but a thing in every way to be expected, if the position of a British soldier in North America be considered. He is, in many stations, within sight of a country where, by a few months of labour, he may save enough to enable him to become an independent proprietor, and a citizen of a great and free nation. He cannot fail to compare his ill-paid, hard-working, inferior station, on one side of the river, with what it might be on the other side; and should he fail to think or to make the comparison for himself, he finds plenty of hints and information in the public papers and in the conversation of the people. Here is one of the advertisements, many of which appear almost every week: — "Five thousand labourers wanted at Indianopolis, Indiana, at from fifteen to twenty dollars a month, and board." A Canadian paper remarks: — "We wonder whether we could be indicted for treason if we give it as our opinion that twenty dollars a month and board, in Indiana, are much better wages than sixpence a day, with the privilege of being flogged or shot, in the British army?" Moreover, the popular party, should they succeed, have lands wherewith to reward the Americans and the British soldiers who shall have assisted them. Certain lands, such as the reserved lands, the lands of the North American Land Company, and perhaps, also, certain lands which belong to persons who have meddled in the affairs of the country, to the great detriment of the people, will be confiscated and divided amongst the Americans and the British soldiers who have assisted the popular party, in proportion to the amount of service rendered. As to the assistance of American citizens, it is imagined by some persons in this country that the American Government has the power to prevent, and would prevent, any such assistance. The recent example of Texas is enough to show that, however anxious the American Government may be to prevent American citizens from taking part in a contest between a neighbouring country and one of its revolted provinces, there is no such power in the American Government. There is no Foreign Enlistment Act in America, nor any chance of such an Act being permitted in that country; and bodies of armed Americans may and will march to the assistance of the popular party in Canada which has risen against the English Government, precisely as bodies of armed Americans might and did march to the assistance of the Texians who had revolted against the Mexican government. The Government will thus have a more difficult task than they seem to anticipate. They seem, by their speeches, and by the tone of their organs of the press, to look upon the outbreak of the Canadians as a mere passing ebullition of discontent on the part of a small but factious section of the people, incited by some disappointed and ambitious demagogues.

It would be a waste of time to attempt to convince men who have resolved not to be convinced; but I must say, that the facts of the case, even as stated by their own organs, plainly contradict their assumption, and would be sufficient to make reasonable and unbiassed men somewhat doubt whether there was truth in the information conveyed to them by their dependents, that the feeling of discontent was partial, and confined to a small party of disaffected French Canadians. Take the account of the first affray between a body of the popular party and a detachment of Montreal cavalry. From that very statement, garbled and perverted as it evidently is, for party purposes, it appears that a body of some hundred insurgents appeared in arms, drawn up behind a breastwork of trees, felled and thrown across the road, that they rescued some prisoners, and put to flight the cavalry who had charge of them. The country near the scene of action is described as being in that state in which an insurgent district generally is: houses deserted — goods and provisions removed — the women and children gone to a place of safety — the men, armed with their rifles and hunting-knives, scouring the country in small parties, or, as in this case, posted in ambush in the forest, to intercept a detachment of troops. The authorities at Montreal seem to have been aware of the state of the country, or why were they so particular in their orders of caution, and their strict injunction not to pass the bridge? To show that I have fairly stated the case, here is an extract from the *Chronicle*: —

> On Friday morning (says the *Montreal Herald*, from which we gather most of our information), when about a mile from the village of Longueuil, the cavalry came up to a body of several armed men, who were stationed behind a log fence, evidently prepared for their arrival, and apparently disposed to interrupt their further progress, and rescue the two prisoners. About sixty men of this multitude went upon their knees, so as to take a deadly aim, when Malo called out, "Do not fire!" and the command was given to the cavalry to halt, which was, fortunately, promptly obeyed, as a considerable portion of the enemy's fire, given at the same moment, proved ineffectual, owing to their anticipating the continued advance of the troop. The cavalry then wheeled about, and discharged their pistols amongst the crowd, and, it is reported, with some effect, as several were supposed to be killed or wounded. The little band of volunteers providentially escaped with but, comparatively speaking, slight injury, three only being wounded, Lieutenant Ermatinger in the face, Mr. Sharpe in the leg. It is extraordinary that every individual of the corps was not cut to pieces, the disparity of numbers being so great. Several of the horses were wounded severely, owing, it is supposed, to the rebels firing so low. The houses and barns by the roadside, from which the cavalry had been fired upon in their retreat, were all found with the doors and window-shutters nailed up. A careful search was, of course, made; but though the fires were still burning in some of them, there were neither weapons nor inmates to be found in any. The party then proceeded along the road, finding the houses, with one or two exceptions only, deserted, and uniformly without arms in them. Scouts were frequently seen mounted, and riding down the several concession roads to the main roads; but on sight of the troops they uniformly started off again. An individual who was met upon the main road stated that, as he came along, he had seen numbers of men, women, and children leaving the houses along the road, and going off right and left, the men mostly armed. About

six miles from Chambly a man was overtaken on the road armed. When arrested, he admitted that he had turned out to join a party that was designed to intercept the troops. About a mile further the cavalry, who were a little in advance of the main body, gave chase to a party of about thirty armed horsemen, whom they saw at some distance before them, and who made off immediately at full speed, turning to the left up a concession road towards the Belleisle mountain.

And where, it will be asked, did this affray take place, and what is this disturbed district? It must, you think, be a French district, in the very heart of the disaffected French population. No; it took place in one of those townships which are thought by the Government to be best affected. As to the alleged insignificance of the movement in Canada, and the ease with which Government expects to put down the insurrection, it would excite a smile, were not the subject of too serious and painful a nature, to hear precisely the same language now held by the Government as that which was held by the Government of the last century concerning the American resistance. Did the Noble Lord ever read a paper of Franklin's called "Rules for Reducing a Great Empire," &c.? It is very applicable to the present case.

Rules for reducing a Great Empire to a Small One, presented to a late Minister when he entered upon his Administration. — XVI. If you are told of discontents in your colonies, never believe that they are general, or that you have given occasion for them; therefore, do not think of applying any remedy, or of changing any offensive measure. Redress no grievance, lest they should be encouraged to demand the redress of some other grievance. Grant no request that is just and reasonable, lest they should make another that is unreasonable. Take all your informations of the state of the colonies from your governors and officers in enmity with them. Encourage and reward these leasing-makers; secrete their lying accusations, lest they should be confuted, but act upon them as the clearest evidence, and believe nothing you hear from the friends of the people. Suppose all their complaints to be invented and promoted by a few factious demagogues, whom if you could catch and hang, all would be quiet. Catch and hang a few of them accordingly, and the blood of the martyrs shall work miracles in favour of your purpose.

The same blind faith in the report of officials and dependents, the same overweening confidence in their own strength, the same contempt of the armed peasantry opposed to their regular troops, have been displayed in the present case. It seems as if we had undergone the disgrace and the disasters of one American war in vain — as if the affair at Lexington, which at the time was sneered at like this affray at St. John's, but which led to mighty results, had passed into oblivion — as if Franklin had never written, and Washington had never fought, against Great Britain, for the honour and the independence of their oppressed and insulted native land. But supposing that the Government should be successful in the approaching struggle — suppose that they should even succeed according to their own most sanguine expectations in speedily putting down, with little bloodshed, the insurgent Canadians, what, I ask, will be gained even by success? You will have gained a discontented province, ready on the first opportunity to break out into open rebellion, and which you will be able to keep in subjection only by a general and expensive military occupation of the country. What are the advantages supposed to be derived from that as from other colonies? An outlet for our manufactures, employment for our shipping, and a country for the emigration of our surplus population. For every one of these purposes British North America would afford a larger and fairer field, if it were an independent power friendly to Great Britain. There is an example and proof of this in the case of the United States; and as two thirds of the trade with Canada are forced and factitious, originating in the discriminating duty of forty shillings a load imposed on timber from the north of Europe over and above what is imposed on that brought from a British settlement in North America, and as almost the whole state of the Canadian trade may be shown to be injurious both to England and to Canada, there would be this great additional advantage in dealing with Canada as an independent state, that we should not then be compelled to tax ourselves to an enormous amount in taking bad and dear timber from Canada, when we could obtain cheap and good timber from the north of Europe; nor should we be forced to pay for the maintenance of a large military force to keep possession of an unwilling colony. Canada, as a colony, is already a burden to the people of England. By persevering in your present course you will destroy or diminish every one of the advantages which you are now supposed to derive from the possession of Canada should the war continue — it may even become general. All trade and emigration to Canada would be destroyed. Should the Canadians be speedily put down, yet trade and emigration would both be damaged; and should the contest terminate in favour of the Canadians, there will yet have been created such a feeling of hostility to England, that for a long time, even after separation, your trade would be almost destroyed and emigration to Canada almost prevented.

Whatever, then, the result of the present struggle, the vacillating policy of Ministers will have produced decided mischief. In this dilemma have the Ministers involved themselves, that, owing to their measures, England must incur disgrace and loss. If they fail in the contest, they will have brought on us the disgrace of an unjust and unsuccessful war, and the loss of any advantage which Canada may now confer on us; and if they succeed, they will still have brought on us the same disgrace and loss, with this difference only, that an unjust war has been successful. But how is it possible to avoid or mitigate the impending evil? Before collision had taken place between the government troops and the Canadian people — before blood had been shed — I should have said that there were two ways of avoiding the evil: one, by immediate redress of grievances, and immediate acquiescence in the demands of the Canadian Assembly. It is now, I fear, too late for that course. The other and only remaining course is, an amicable separation of the two countries. The North American provinces are now strong enough to take care of themselves, and they know it. Is it, then, prudent, to insist on keeping them in political subjection for a short time longer, knowing that they must soon be independent, and that, if coerced now, they will be hostile to England for many years; and that, if an amicable separation be effected now, while it will anticipate the period of their independence but by a few years, it will render them sure friends to England, and convert their country from a burdensome colony, into a most profitable free market for our manufactures, and a better and a more inviting field than now for emigration.

The question, then, is now no longer one between parties in the colony only — it is no longer a question of right between the popular and the official parties, nor between the majority and the minority — nor, as the Government would have it appear, between the French and English races. It has become a great and urgent question between the Government and the people of England, whether the Government shall, or shall not, be permitted to plunge the country into a contest, indefensible on any principle of justice, and likely to involve us in a general war. Will the people consent to the pouring forth of blood and treasure to uphold the authority of the Colonial Office, or to gratify the love of dominion, or, at best, to keep in unwilling subjection an expensive colony? Will they support the Government in an unjust war, and submit to additional burdens, in order to coerce the provinces of British North America? That is now the question; and it must be soon decided.

I have thus endeavoured to show what is the state of Canada, and what must be the result of war with the Canadian. I have also endeavoured to show how the evil might, even now, be averted, or much mitigated. To the weakness and incompetence — to the affected fairness and yielding, followed by threats, and oppression, and insult — to the incapacity and vacillation of the Government, the troubles which are now pressing on Canada, and those greater evils which are impending over both Canada and Great Britain, are almost entirely to be attributed. It is the present Government which, after having acknowledged the grievances of Canada, refuses to redress them — which, when the Canadians asked for justice, sent them, by way of conciliation, a coercion Bill — which has insulted the Assembly of their representatives, and violated the first principles of their constitution, and which, having thus driven the Canadians to resistance, now seeks, at the risk of a general war, to reduce them by force of arms to a state of abject submission. Whatever may be the result of the contest, I rejoice that the Canadians have resisted. Half a million of people so dead to all the feelings of liberty as voluntarily to submit to be slaves, would have been fit instruments to make slaves of the rest. The Noble Lord remembers similar words; he remembers by whom, and on what occasion, they were used, more than seventy years ago; he remembers the events of that period: but he seems to have forgotten or disregarded the warning indelibly stamped by them on the tablet of history. In defiance of experience, his Government is pursuing, now, the very course which then led to disaster and disgrace; and if they obstinately persevere in that course, I trust, and verily believe, that, even should they escape immediate and well-merited punishment, they will be held up to the scorn and execration of posterity, as the men who, with the example of the struggle for American independence before their eyes, plunged England into a disgraceful and disastrous war, for the purpose of chastising a colony which they had themselves, by their own incompetence, injustice, and misgovernment, forced into open rebellion.

I will conclude by moving, as an amendment to the question, that the Order of the Day be now read, to leave out from the word "that" to the end of the question, in order to add the words "an humble address be presented to her Majesty, that she will be graciously pleased to give directions that there be laid before the House copies of all despatches which have passed between Lord Gosford and the Colonial Office, since the date of those last presented to the House," instead thereof.

Question proposed, that the words proposed to be left out stand part of the question.

Mr. C. LUSHINGTON. — Although I do not intend, after what has fallen from the Noble Lord, to enter at large into the affairs of Canada, I cannot sit quietly by and hear such language as that which has been used by the Honourable Member for Westminster, without expressing the indignation which I feel. The Honourable Gentleman has described to the House scenes of outrage and of bloodshed among our unhappy countrymen in a distant part of the world, and dwelt upon them with feelings of exultation, which to almost every Member of this Assembly must have been most unpleasant and cruel to their feelings. The Honourable Member for Westminster has not expressed the slightest commiseration for the miseries which these occurrences have brought upon the Canadian people, but has exulted at acts of treason in a manner which I certainly did not expect from any Honourable Member of this House. The Honourable Member seems to revel in the idea that the course of justice has been suspended, and that the law of a party of insurgents has been established in its stead. The Honourable Member has hailed with feelings of pleasure and delight the prospect of desertion from the British army, and has adverted to the advantages which are held out to those who desert. I do not intend, as I stated when I rose, to enter into the discussion of this question; but I thought it my duty as a good and loyal subject, and as a Member of this House, to express the dissatisfaction, indeed the indignation, I felt at certain passages in the Honourable Gentleman's speech.

Mr. HUME.—The Honourable Gentleman who has just sat down has expressed his indignation at the language used by my Honourable Friend the Member for Westminster; but I think it would have been better if the Honourable Member had considered whether there was not just cause for that language. No one could deplore more than he did the horrors arising from a civil war, in which soldiers are forced to dye their bayonets with the blood of their fellow-subjects; but the causes that have excited rebellion should be taken into consideration; and I could have wished that the Honourable Member had directed a little attention to these causes, before attacking my Honourable Friend for discharging that which must have been a painful duty to him. The Honourable Gentleman complains that my Honourable Friend did not express any regret or commiseration at the existence of the present state of affairs in Canada. Why, so far from this being the case, my Honourable Friend commenced his speech by deploring the being obliged to bring forward, at this time, the statement of such occurrences. The Honourable Gentleman next accused my Honourable Friend of having exhibited feelings of delight at the suspension of the duties of the courts of law, in Canada, and at the desertion of the troops to the insurgents. Let the Honourable Member consider what are the duties which the soldiers are called upon to perform, and ask himself whether any man can applaud the seeing our soldiers called into the painful situation of committing acts of injustice and tyranny against their fellow-countrymen, and let him suppose what must be the feelings of the soldiers themselves under such circumstances. Let the Honourable Member inquire who has produced these evils. Is it the unoffending citizen? No; but the British Government, with all its unjust system of colonial agency, which has endeavoured to force down principles utterly inconsistent and repulsive to the feelings of the people. The Honourable Member may call the Canadians "rebels" if he pleases; but is there not as much virtue in resisting an illegal act as in upholding the principles and institutions of liberty? Does not the Honourable Gentleman suppose that there is a limit to human suffering, and that there is a point at which resistance becomes a virtue? And I would ask the Honourable Gentleman himself, whether the Canadians have not arrived at that point? The Honourable Member has, without thought, without consideration, condemned these people, who, by the tyranny of the colonial government, are forced, at this season of the year, from their own homes, and their own firesides, to brave the rigours of a Canadian winter. The Noble Lord has intimated that he will assemble the Parliament on the 16th of January, in order to take into consideration the affairs of Canada; but titles of the Bills can scarcely be heard, so that no opposition can be offered to it. The limits within which these harbour tolls are to be levied, are declared to be the port of Wexford on one side, and the Welch coast on the other, and a duty is levied on every ship passing up or down the Channel, or crossing it between these two points. This is certainly a monstrous fraud on the public. I am not aware whether the repeal of the clause can now be effected by a public Bill; but if so, I shall certainly introduce a Bill for that purpose; and if not, I shall be prepared to introduce, at the expense of Government, a private Bill repealing the obnoxious provision.

SIR FREDERICK TRENCH. — I am very happy to find that the Right Honourable Gentleman takes the view which he has expressed, and I cannot but hope justice will be done.

Mr. G. F. YOUNG. — I beg to return the Right Honourable Gentleman my best thanks for his explanation, which cannot fail to be very satisfactory to those who are interested in the matter.

Mr. C. FERGUSSON. — As one of the Members for Scotland, I am bound to state that great injustice has been done to the trade of that country by the mode in which private Bills have been passed in this House. I never heard of what was contemplated by this measure until it was too late. It appears to me, that the best remedy for the evils, arising out of the present mode of conducting private business, would be, to print all private Bills as well as public ones.

Mr. POULETT THOMSON.—I really see many objections to our adopting the last suggestion thrown out by my Right Honourable Friend (Mr. R. C. Fergusson), and I think it would be much better to have an abbreviated form of each private Bill drawn up. This is a point, however, which will, no doubt, be duly considered by you, Sir, and I presume that arrangements will be made to remedy every such existing evil. After the recess, I will myself propose certain resolutions in conformity with the recommendations of the Committee on Private Business, upon which a distinct system may be founded.

POOR LAW UNIONS.

Mr. MACLEAN. — I wish to direct the attention of the Noble Lord to two points connected with the administration of the poor law unions. The first is, that no chaplains are appointed to them, and no provision made for the regular performance of divine service by a proper officer. I wish to know, also, whether, in any of the unions, permission has been given to persons dissenting from the doctrines of the Established Church to attend divine worship at the meeting-houses of their own persuasion?

LORD JOHN RUSSELL. — I have directed the attention of the Poor Law Commissioners to this subject. I understand, from them, that in many of the unions chaplains have been appointed, who perform duty regularly. The particulars of the information I have received, I am not now prepared to give, but I have no objection to furnish it to the Honourable Member to-morrow. Many of the unions, the Honourable Member is aware, are now only in progress, and the arrangements are not yet matured.

Mr. MACLEAN. — These matters will probably come under the consideration of the committee appointed by the House to investigate the working of the Poor Law Amendment Act; but, unless some more satisfactory provision for the performance of divine service is made, and unless the Noble Lord takes the appointment of chaplains into his own hands, I shall bring forward a motion on this subject after the recess.

AFFAIRS OF CANADA. — ADJOURNMENT OF THE HOUSE.

LORD JOHN RUSSELL. — Sir, in rising to move the Order of the day for going into committee of supply, I wish to state, in the first place, that I do so for the purpose (which I think a very legitimate purpose) of giving the Honourable Member for Westminster an opportunity of making any remarks which may seem to him necessary or expedient on the subject of the affairs of Canada. But, lest the Honourable Gentleman may have been misled by the intentions of Government, as declared by me in this place, it will be proper for me to mention to him, and to the House, what is at present intended with respect to the adjournment of Parliament. It was intended, certainly, — and I had hoped, almost up to this day, that I should have been enabled to carry that intention into effect,—to move an adjournment of this House till the 1st of February, with the view of relieving there anything improper in these resolutions? Looking at the Noble Lord as an historian, I am surprised that the lessons of history have been so lost to him, as to suppose that a mere piece of waste paper, such as that which was sent to the Canadians, could coerce a great and free people. When Lord Gosford found that the people were determined to meet and express their opinions on the resolutions of the House of Commons, he issued a proclamation forbidding all such meetings. The proclamations were torn from the church doors; and what steps did Lord Gosford take then? He dismissed from the magistracy and the militia two persons who took part in tearing down, or rather in removing, these proclamations from the church doors. A member of the Colonial Parliament also, who had been requested to meet his constituents on the subject, was likewise dismissed from the magistracy. The governor then proceeded to deprive all officers and magistrates, who attended these meetings, of their commissions. When this was found to be the system pursued by the governor, a meeting of the inhabitants took place, where it was resolved, that to hold a commission under Lord Gosford, under existing circumstances, would be disgraceful; and all the friends of the Canadians, who held such offices, were called upon to resign them. This invitation was immediately acceded to; and scarcely one of the former magistracy remained. Lord Gosford appointed others; but the people again met, and declared that, as the newly-appointed magistrates were men who were known as those who were in league with the oppressors of their country, they would not submit their cases to them, but appointed magistrates of their own to act as arbitrators in all matters of dispute which might arise among them. Meetings of 1200 and 1400 persons were held to entertain the officers and magistrates who had resigned their commissions. Here was a state of things which the most submissive meekness could not endure. The Honourable Member for Ashburton ought to have cast his censure upon the parties who have brought on the present evils, and not upon my Honourable Friend the Member for Westminster. My Honourable Friend ought not to have been blamed for doing that which he considered to be his duty, and for trying to awake the slumbering faculties of Government to a sense of justice. The Canadians want nothing more than justice; all they ask is the assurance of good government. How often have they laid petitions before this House, complaining of their grievances, and yet all their efforts have proved fruitless! Is it, then, a matter of surprise, that, at the last moment, they should adopt violent measures, and be determined not to bow their necks to the yoke of slavery, and to such slavery as would be imposed on them, when we consider what tools the Government have in Canada, and who is the colonial authority here?

Several HONOURABLE MEMBERS. — "Oh, oh!"

Mr. HUME. — It was, I repeat, more than the meekness of human nature could bear. There is a point at which resistance becomes a virtue; and of that point, those who make the resistance are the best judges. I regret that it is so; but the question is now, whether that time has not arrived, since the misrule of British government for the last ten years has produced the present lamentable state of affairs in Canada. I see, by the late accounts from that country, that British life and property have been sacrificed there to an extent truly deplorable; and although I believe the assurance of the Noble Lord, that there is none more sincere than himself in deprecating this state of things, I believe he has acted in total ignorance of the state of the colony; for had the Noble Lord been aware of the real condition of Canada, he would have followed the example of a Noble Duke, who said, on the subject of Catholic emancipation, with respect to Ireland, that nothing could have satisfied his conscience, if he, by his opposition to that measure, had produced civil war in Ireland only for one day. And who was that Noble Duke? Why, no other than the Duke of Wellington. Did any one blame him for that announcement? No; the whole country applauded the sentiment thus manfully expressed, and Ireland profited much by it. The fruit of the Noble Duke's timely concession was peace; and is it too much to ask the Noble Lord to follow so salutary an example, and to take the same steps with regard to Lower Canada, as were taken by the Duke of Wellington upon the question of Catholic emancipation for Ireland? We were formerly told, by their Tory oppressors, that the people of Ireland never could be at peace; that they were naturally rebellious, discontented, and factious. Why, Sir, no sooner did the Noble Duke make his declaration, and apply the obvious remedy of yielding in time, and granting that measure of relief which ought to have been long before conceded, than the whole appearance of

I wish to state to the Honourable Gentleman, that it is our intention, in the first place, to produce, to-morrow, all the information which can be produced without injury to the public service, collected from the despatches and other documents transmitted by Lord Gosford. That information being laid before Parliament, it will necessarily require some short time to read and consider. It is, further, our intention, considering that though Parliament cannot be brought together immediately after Christmas in sufficient strength to consider of matters of such importance, — yet that, at the same time, we should not be justified in delaying, till the 1st of February, the meeting of this House, — to propose an adjournment till Tuesday, the 16th of January. I have to inform the Honourable Gentleman who proposes to make the motion on the paper to-night, that I certainly do not think it would be useful or expedient that, in any answer which I may make to his remarks, I should enter into any general statement on the affairs of Canada, on which no definitive resolution can be come to in a House so thinned, by absence, as this at present is. But it is not our wish to withhold information from Parliament on a matter so grave and so important; and, in the middle of January, we propose to meet them, with the view of calling on them for their sanction to such measures as we may deem necessary; but, at all events, to call on them for their decision, ay or no, whether they will concur with us in a determination — "that those who are well affected to the Crown of this empire shall be supported," — in order that we may act, not only by command of her Majesty, but also with the full concurrence and consent of Parliament. I beg to move that the order of the day be now read for going into a committee of supply.

Mr. LEADER. — The Noble Lord has told the House that he will lay all the papers connected with this subject before it; and the Noble Lord has said, moreover, that he does not consider himself bound, at this time, to enter further into this subject. The Noble Lord will take that course which may seem to him advisable; but the urgency and importance of the Canada question not only justify me in pressing the subject on the attention of the House, but render it an imperative duty on my part to call for a discussion of the question, in order to make the House and the country thoroughly aware of the present state of British North America, and to enable them not only to form an impartial judgment on the past and present conduct, and on the intentions, of the Government, but to decide for themselves what is now the best course to be taken for the interest alike of Canada and of Great Britain. The interests, the liberties, the very lives and fortunes of our Canadian fellow-citizens, the honour and peace of this country, are in imminent danger; it cannot, then, be unreasonable or ill-timed to ask the representatives of the people to consider by what means a great, flourishing, tranquil, and eminently loyal colony has been driven into a state of disturbance, amounting to open insurrection; by what means the evil may yet be removed or mitigated; and, above all, by what means we may be saved from an unjust war, which can bring no advantage, and which, whatever be its results, must inevitably inflict dishonour on this country.

It may be advisable, first of all, to give a very brief sketch of the present uneasy state of Lower Canada, and of the chief cause of that uneasiness. The affairs of that country, owing to its disturbed state, and to the deep and painful interest which attaches to the cause of a gallant but comparatively small and feeble people, struggling for their rights against a gigantic power, have lately occupied so much of the public attention, that a very concise statement will be sufficient. For many years past the Canadians have complained of numerous grievances; and, having first petitioned in vain, they at last demanded redress. Although every one of their complaints was admitted to be well founded, their prayers were neglected, their demands were treated as unreasonable; they were too weak to command attention, for they were not considered strong enough to enforce redress. For many years they went on petitioning in vain; trusting to the generosity of England and hoping for relief, till even the hope of justice from England seems to have left them: then, and not till then, having discovered the fruitlessness of supplication, they had recourse to that legal power which their constitution gave them, and they refused to vote any money for a Government which had obstinately refused to accede to their just demands. In doing this they exercised a known, recognised, legal right conferred upon them by the constitution which England had given them. You say they used their right improperly and at an improper time, and therefore you coerce them; but you are not to make yourselves judges of the time and manner in which a constitutional assembly is to exercise a legal right. Yet such was the course pursued by the Government, when the Canadian Assembly determined to vote no supplies till their acknowledged grievances were redressed. Instead of redressing or attempting to redress the grievances complained of, our Government passed resolutions subversive of the Canadian constitution. By these resolutions the Canadians, before excited by long years of misgovernment, were driven to desperation. They saw clearly that there was no justice for them in the Executive Government, or in the Colonial Office, or in the British Parliament; that it was the intention of the Government to chastise and to oppress them. They felt that they were forced into this dilemma,—either to submit to the resolutions and be slaves, or to resist them and run the risk of civil war. In this dilemma they made that choice which would be made by every people who had once enjoyed any portion of freedom—they determined on resistance. They would have been despicable, and the English people would have been the first to despise them, if, taking the other alternative, they had tamely submitted to injustice and oppression. Their measures of resistance have been well constituted and well executed. Meetings were held, at which the resolutions, and the Ministers who passed them, were denounced in the strongest terms of indignation and defiance; addresses were issued, plainly declaring that no justice could be now expected from England,—that the Canadians must now trust to themselves alone, and that they had no chance of good government but in a separation from Great Britain; clubs were formed for the purpose of the complete organisation, and especially of mustering, and drilling, and habituating to the use of arms, and to military evolutions, the young men of the province; provisional local courts were established for the administration of law and the settling of disputes; the established courts, and those who continued to take their differences to be decided by them, were publicly denounced; all commerce and intercourse with English merchants were publicly proscribed, the Canadians pledging themselves to use no taxed articles, that they might injure the revenue, and generally to use no articles of British manufacture, that they might show their sense of the injustice which the British Government had inflicted upon them.

All these measures of resistance were carried into effect under the management of committees of vigilance appointed especially for that purpose; but the Canadian population needed little or no admonition from their leaders to induce them to adopt, and rigidly to adhere to, these measures; their hearts were in the cause, and he was considered the best patriot who most embarrassed the detested, because tyrannical, Government. So well have the measures of resistance been executed, that Canada is now in open revolt. There is one point to which I would especially call attention, and that is, to the determination of the Canadians to use no articles of British produce. The manufacturers of this country, already embarrassed to find a sufficient market for their produce, will thus be almost entirely shut out from the markets of a country which consumed, annually, a large quantity of their goods. The House will remember that precisely the same system of non-intercourse was pursued by the Americans in the commencement of their struggle. The idea was ridiculed by the minister of the day, who seemed really to believe that the Americans could not exist without articles of British produce. What was Benjamin Franklin's evidence on that occasion, when he was asked if he did not think cloth from England absolutely necessary for the Americans. "By no means," he said; "with industry and good management they may very well supply themselves with all they want." When he was further asked, if it would not take a long time to establish the manufacture among them, and if they would not in the mean while suffer greatly? "I think not," he answered; "they have made a surprising progress already; and I am of opinion that their old clothes will last them till they have new ones of their own making." The very same words may be applied to the present case, but with this addition, that the Canadians have also the advantage of getting all they want by smuggling from the United States. In this they will of course be assisted by the Americans, who derive from the same system all the advantages which the British merchant has lost. An extensive plan of smuggling is accordingly, at this moment, in active operation; it is recommended openly at public meetings, and of course assisted in every possible manner by the Americans, and the population on each side of the border. It may be said that this plan of non-intercourse cannot have the effect intended by the popular party, because there is a strong and numerous party in Canada, which, far from adopting the system, will make every exertion to defeat it. Now, where is this party to be found, and who compose it? Why, it is to be found in Montreal and Quebec only; and it is composed almost entirely of those British merchants and their dependents against whom the system is exchanges, which promise no advantage to the colonies, and which must prove utterly destructive of the analogy and harmony which have existed between the mother country and the Canadians, to be terrified from maintaining that which we believe to be just on the first manifestation of the spirit of insurrection. I trust that, whether on the first outbreak or on the last, we shall maintain the same course; and that justice, and not strength, will be taken for our rule; and that we shall not suffer ourselves to be swayed by threats or menaces, whether delivered in this House, or expressed on the other side of the Atlantic. There are those, too, in the colonies, whose interests we are bound to protect. Let it not be supposed that I mean to contend that this kingdom should have distant portions of the globe for ever dependent upon it; but I do contend, that the time when a separation, on the part of Canada, might be beneficial, has not yet arrived. I say, it is not a time for the colony to separate from the mother country, when her population is divided into two parties, of different origin, and inflamed by their passions into continual collisions with each other. In this state of things, England is enabled, by her power, to act as a mediator and umpire, and thus prevent contests which might be found still more fatal than that we now have to lament.

The Honourable Member for Middlesex has referred to the cases of Ireland and the United States. I must decline discussing the Administration of Lord Mulgrave in Ireland on the present occasion; and I will also refrain from going into particulars relative to the insurrection in the United States; but I must say, that the whole resistance of the American people was based on irrefutable facts, and on statements of positive and palpable grievances; and the abstract rights of man, such as they conceived them to be, were appealed to in support of the facts which had been previously stated. But it remains yet to be shown that such practical grievances exist in the case of the Canadians. The Honourable Member for Westminster has ingeniously quoted the opinions of Dr. Franklin, thereby endeavouring to prove that this is a case in which the redress of grievances will not be attempted. I admit that, if the ironical advice of Franklin had been followed with regard to Canada, we might naturally have expected that disturbance and civil war would succeed, as a legitimate consequence. But I find the case to be quite the contrary, for the attention of the Home Government has been actively engaged in considering, and the greatest care had been taken, and the most sedulous respect paid with regard to both the wants and wishes of the Canadian people; and I am not aware that, during the whole course of the discussions which occupied so many nights of the last Session, one single instance of a grievance, unredressed, was laid before the House, which was not instantly refuted. If that be so, what becomes of the horrors — what becomes of the menaces, the anticipations, and the prophecies of evil — which the prophets themselves contribute more than any other party to verify?

I was glad to hear from the Honourable Member for Westminster, himself, that he was favourable to separation, because we now know what is the real object which he and those Honourable Members who act with him have in view; and I hope that the closing sentiment of the Honourable Gentleman's speech will not be forgotten, in which he stated that he was aware he was addressing an unwilling audience, and that of all the Members present he knew that ten did not acquiesce in his own opinions. I trust the House will be, at all times, ready to listen to complaints of real grievances, and apply themselves with spirit and activity to redress them. But I hope, also, that the Honourable Member for Westminster will never find a majority of this House arrayed otherwise than they are now upon such questions as the present. The Honourable Gentleman has, in reference to this matter, quoted the opinion of Lord Chatham in the commencement of the American war. That same Noble Peer supplies me also with authority for my present augument. When this Noble Earl objected to our going to war against America, he stated that he considered the Americans oppressed; but here the Honourable Gentleman has come forward with no instances of actual oppression, no case of real grievance. The Honourable Gentleman has nothing to bring forward, in support of his position, but a desire for organic changes; and, resting his case upon this desire alone, he modestly proposes a separation between the colony and the mother country. Does the Honourable Gentleman forget the memorable words pronounced by Lord Chatham, seventy years ago, on his last appearance in the House of Lords, when he spent almost his dying energy in declaring that he never would consent to a separation of the American colonies from the mother country?

I think the Honourable Member for Westminster, in urging his project of separation, has rather misplaced his quotation from Lord Chatham.

But I will not longer occupy the attention of the House; I have been led further into the discussion than I had intended, from my own feelings in the case, rather than from any particular information I possess; for I have no other source of obtaining it than that which the public journals furnish, whether the manifestation of resistance which has been made in Lower Canada be trifling or not. It is not my wish to urge violent measures, if they can be avoided; I prefer conciliation: but Her Majesty's Government must not forget that when the time for action does come, nothing can be more fatal than delay; above all, we must not show alarm at those proceedings which I believe we shall ever consider as contrary to the laws of the country, as they are to the wellbeing of society.

SIR WILLIAM MOLESWORTH.—The Honourable Gentleman who has just sat down has asked what grievances the people of Canada have to complain of, and inquired whether they are not in their person and property secure? I think, if the Honourable Gentleman had listened to the debates of last Session, he would have found that it was admitted, even by the Treasury benches, that there were many just causes of complaint existing with respect to the condition of the Canadians. They complain, first, that the Legislative Council is adverse to the wishes of the people, and that every act of authority requires from them an unwilling assent. Another evil under which they suffer is, that there are appointed corrupt and improper judges. They allege, too, the bankruptcy of their treasury; but the last, greatest, and most severe grievance of all has been inflicted by the resolutions of this House, passed during the last Session, empowering the governor to seize the money of the Canadian people. I, for one, shall ever rejoice that I was so fortunate as to oppose those fatal and wicked resolutions, which the Noble Lord, unhappily for his future fame as a statesman, still more unhappily for his renown as a consistent supporter of liberal opinions, submitted last Session to the consideration of the House of Commons, and for which it was likewise the Noble Lord's misfortune to obtain the assent of this portion of the Legislature, and the eager and cordial approbation of the House of Peers. Those resolutions marked both a determination on the part of the Government to disregard the grievances and the wishes of the Canadian people, and an intention to violate the first and the most important principles of a free constitution, in the defence of which not only is rebellion justifiable, but resistance becomes the sacred and imperious duty of freemen,—a duty which all who belong to our race, whether on this or the other side of the Atlantic — all, in whose veins English blood has circulated, have never failed to fulfil. Nor, though of different origin, have the Canadians as yet appeared less determined to maintain their rights than other portions of the British empire. For as soon as the nature of these resolutions was known in their province, the indignation of the people was aroused, and they hastened to take the steps which will in future frustrate the effects of similar measures. The chief object of the resolutions was to enable the Government of Lower Canada to appropriate the moneys of the people without the consent of the Canadian Legislature. In order to prevent similar acts of tyranny, the Canadians have resolved that in future there shall be no moneys for the Government to appropriate. With this object in view, they have determined not to consume the articles upon which the customs of the province are levied. The greatest portions of the revenues of the province consist of duties on rum and brandy; of the former of which articles a million gallons are annually consumed, paying a duty of 1*s.* a gallon; of the latter 250,000 gallons, paying a duty of 1*s.* 6*d.* per gallon. Instead of these taxed liquors the Canadians have now determined to drink whisky and beer; instead of tea they have substituted a beverage made from roasted barley, beans, or bread crust; instead of the sugar of the sugar-cane they will use the sugar of the maple. But in addition to this course, which they have adopted for the purpose of diminishing the revenues of the province, they have resolved to be entirely independent of this country, and not to consume the productions of a people whose representatives have treated them with such cruel injustice. Instead, therefore, of the cloths and the woollens, instead of the cottons and the linens of our manufacture, they will be clad in their own homespun, in the coarse products of their own looms. Now, this is a most serious consideration, for of these fabrics this country annually exports to British North America a quantity amounting in value to nearly one million pounds sterling. In another year this sum will be considerably diminished. The consequence of which will be, that our manufacturers, who are suffering severely already from the want of a market for these articles, as I can unfortunately testify but too well, being the representative of one of the largest manufacturing communities in this empire: — our manufacturers, I say, and what is still worse, the labourers dependent upon them, will suffer still more severely than they now do, by a still further contraction of the market, and by the diminution of employment consequent thereon. Great additional misery, therefore, will be occasioned to this portion of the community by a quarrel with Canada. Nor let it be supposed that when these turmoils are over this country will, as a matter of course, again supply the markets of British North America; for if the present disputes should end, as is most probable, in a civil war, and if that civil war should terminate, as is still more probable, in the separation of the two countries, a considerable period must elapse ere commercial intercourse will be recommenced: meanwhile the wants of the Canadians will give rise to rival fabrics in British North America, supplying the same articles as we now supply; the manufacturers will form an interest hostile to our trade; they will expect, they will demand, protection for their produce; and in a certain degree they will appear justified in so doing, and in claiming a recompence for services rendered during a period of war. Thus this country will not only be deprived of its present trade to the Canadian provinces, but be cut off from that future extension of it which must take place to an enormous degree if this country were to continue to supply the markets of that great and flourishing province; a portion of the world which is now most rapidly increasing in a population fitted by taste and habits to consume our manufactures, and whose inhabitants this country could supply with the unrivalled produce of its manufacturing skill at the cheapest possible rate.

I must beg pardon of the House for having dwelt somewhat at length on the possible consequences of a struggle with Canada; but I felt it a duty which I owed to the constituents who have so kindly placed me in my present distinguished position; and I trust that the representatives of the other great manufacturing emporiums of Birmingham, Sheffield, and Manchester will equally feel it their duty to protest against a course of policy which will inevitably raise up rival manufacturing interests in the north of America, and which will cause the exclusion of our manufactures for a long time, at least, to a great extent,— probably for ever,— from the markets of a nation which already annually consumes two millions of the productions of this country. I must protest against a line of conduct which will make the Canadian nation view us with detestation, and induce them, on the first occasion, and most justifiably, to give the sanction of the law to that non-intercourse which they have already proclaimed against this country. But, to return to the conduct pursued by the Canadians in consequence of the arbitrary measures of the Government, for the purpose of enforcing the system of non-intercourse. In many of the counties public meetings were held, at which magistrates, officers of militia, and other individuals of weight and importance attended. At these meetings resolutions were passed prohibiting the consumption of the obnoxious articles, and denouncing as enemies to the patriotic cause those who dared to disregard these injunctions; resolutions likewise were agreed to encouraging smuggling, as the easiest means of diminishing the public revenues, and of frustrating the views of the public enemies; at the same time a general plan of organisation was adopted and put in force throughout the country. Committees of vigilance were appointed in each parish and in each county, to communicate with the central committee at Montreal. The object of the committee of vigilance was to enforce the regulations of the non-intercourse system, to which even the country traders swore obedience. The few persons who acted in opposition to the popular feeling were admonished by the committees to be more patriotic in future, and in some cases the offenders were punished by the destruction of their property; but in general these committees had but little occupation; so strong was public opinion on the subject — so willing were the people to obey and to follow their leaders. Lord Gosford was, it would appear, alarmed by this conduct of the popular party; on the 15th of June he issued a proclamation, in which he denounced as seditious and unlawful all meetings of a description similar to those just mentioned; he commanded all magistrates, militia officers, and peace officers to prevent these assemblages by every means in their power. This proclamation produced no effect; meetings continued to be held, magistrates and other functionaries continued to attend, and on one occasion, it is said, the magistrates themselves tore to pieces the proclamation, in the presence and amidst the cheers of the assembled multitude. Militia officers are said to have acted in the same manner before their companies, to whom they were ordered to read the proclamation. Lord Gosford then proceeded to take the step of dismissing every magistrate and militia officer who, he was informed, had attended any one of these meetings. I will not say that Lord Gosford was to be condemned for this conduct; but I do say, that the persons dismissed considered themselves to be honoured by this act of the Government, and a number of magistrates who found that a similar distinction was not conferred upon themselves hastened to resign their commissions. In the county of Two Mountains sixty commissions were said to have been returned at once. The functionaries who were dismissed or resigned on all occasions received the public thanks of the committees of their counties. In consequence of these dismissals and resignations, some of the counties were without acting magistrates: the people hastened to supply the want by appointing magistrates of their own.

The following is the account I have received of the mode in which this was effected in the extensive county of Two Mountains: — On the 15th of October there was a general meeting of the freeholders of that county, at which "sundry wise and discreet persons were chosen by each parish to fill the office of justice of the peace and pacificator." The duty of these justices is, "to conciliate the differences and difficulties which may hereafter arise between the Reformers of their localities, with power to judge and determine all complaints which shall be brought before them." From the decision of the justice-pacificator an appeal was instituted to the permanent committee of the county. To enforce these regulations, "Reformers were declared bound in honour to bring their cases before the justice-pacificator, in preference to the Queen's courts." Reformers who refused to acknowledge the authority of the said justices, or who carried their complaints before the Queen's courts, "in preference to those of honour and conciliation now established," &c., were to be "deprived of their votes at any public meetings," and "not to be elected by Reformers to any office;" were to be "censured publicly, which censure was to be exposed on the church doors." With regard to the militia, it was resolved, "That the Reformers who began to drill should form themselves in each parish into volunteer companies of militia, under the command of officers elected by the militiamen, and shall be drilled in the management of fire-arms, and in light infantry evolutions and movements." It was resolved, likewise, that officers who had been dismissed be re-elected by the militiamen. In the midst of these events, on the 17th of August, the House of Assembly was called together. The governor, in his speech, officially communicated the resolutions which had been agreed to by the Imperial Parliament, informed the House of Assembly that the demise of the Crown would make no alteration in the councils of the Ministry, and concluded by asking for a vote of money to pay the salaries of the officials. The Assembly, in reply, maintained all its former positions, and refused to grant any money till the grievances complained of were redressed. The House of Assembly likewise, in its address to the governor, very properly commented in the strongest and most indignant terms on the resolutions in question. The House of Assembly said, "It is our duty to tell the mother country, that if she carries the spirit of these resolutions into effect in the government of British America, and of this province particularly, her supremacy therein will no longer depend on the feelings of affection, of duty, and of mutual interest, which would best secure it, but on physical and material force." These plain words ought to make the deepest impression on our minds, and ought to convince us what will be the conduct of the Canadian people if we do not hasten to do them justice. The tone of the debate in the House of Assembly, on the address, was similar to that held at the public meetings throughout the country. The proclamation of the governor against these meetings was denounced, the conduct of the magistrates and others in attending them was highly approved of, and the people were exhorted to adhere to the system of non-intercourse, and to carry it out to its fullest extent.

These determined proceedings on the part of the House of Assembly induced the governor to prorogue it on the 26th of August, after a Session of only ten days. Since that period, the system of organisation, to which I have already referred, has been more and more extended throughout the province. Riots have taken place, blood has been shed, the troops have been called out, and there is every appearance of an approaching struggle. Such is the state of Lower Canada. But Upper Canada is by no means tranquil: a political union is extensively ramified throughout the townships and counties of Upper Canada, similar, in many respects, to the committees of vigilance in Lower Canada. The members of the union have set an example which has been followed by their friends of the lower province. they have petitioned the Congress of the United States for a free trade between Canada and the neighbouring states, and, in the mean time, they have systematically encouraged smuggling by every means in their power. What has been the conduct of the Government, in this crisis, with regard to Upper Canada? The office of governor to that province was vacant. Whom ought a wise and reflecting Ministry to have chosen to fill this most important post? Undoubtedly, some person eminent for his talents, still more eminent for his high virtues, who would have commanded the respect of all parties. To whom have the responsible advisers of the Crown confided the task of conciliating the inhabitants of Upper Canada, and inspiring them with regard for British authority? To the most obnoxious and unpopular person they could find in this country, with the exception of the gaoler of St. Helena, — a gentleman whose conduct has excited the loudest and most vehement complaints, and produced almost rebellion in every colony over which he has ruled. Whether these complaints are just or not, I will not pretend to say; but, whilst they exist, the policy of the Government in selecting such a person for so delicate an employment seems most dubious. But I condemn this appointment on other grounds: I condemn it from having carefully studied the conduct of Colonel Arthur whilst that gentleman was governor of Van Dieman's Land, from having examined Colonel Arthur himself, and from his despatches to the Colonial Office, which were laid before the Transportation Committee of last year, of which I had the honour to be chairman. From that evidence, it appears, that during the last twelve years Colonel Arthur has possessed despotic powers for the sole purpose of framing a system of atrocious and unheard-of cruelty, such as stands unparalleled in the annals of nations; his sole object was to inflict pain — intense pain — to render the condition of the convict most wretched and degraded — to make Van Diemen's Land what it now is, a hell upon earth — a fitting abode for the criminals whom he, by his tortures, converted into still worse fiends. I most readily admit that, in so acting, Colonel Arthur only obeyed the commands of the Colonial Office, that he in nowise outstripped, or even acted up to, the strict letter of those commands, and that he merely followed out the necessary consequences of transportation, and enforced a system of punishments, the existence of which is the deepest disgrace to this country. But I contend that the feelings, the habits, and the dispositions of a gentleman who for twelve years wielded the most uncontrolled authority, and for that period administered, and could administer, such a frightful system of evil, must make him unfit to be the constitutional governor of a free province, inhabited, not as the Australian colonies are, by the ruffians, felons, prostitutes, and outcasts of England, but by a high-minded and a moral race, who will feel most indignant at the insult thus offered them. Nor are the other colonies in North America in that state of political repose and placid tranquillity which would be most agreeable to the feelings of the Noble Lord, who calmly slumbers at the head of the Colonial Department. Newfoundland has refused to grant the supplies. Is a coercion Bill ready for that province? Are the resolutions to seize its revenues prepared? Nova Scotia and Prince Edward's Island have both declared in favour of an elective Legislative Council; and in New Brunswick the most perfect harmony does not exist between the Assembly and the Executive. No reliance, therefore, can be placed on these provinces in a struggle between this country and Lower Canada. But to return to Lower Canada. The events to which I have referred prove that the Canadians are determined not to submit to the mandates of her Majesty's Ministers —resolve to prevent injustice by force— and, if needs be, to defend their rights by an appeal [to the sword. Now, what course do her Majesty's Ministers intend to pursue? It seems to me, that they can prudently and wisely adopt but two courses. They ought either to attempt to conciliate the Canadians by acquiescing in all the demands of the Legislative Assembly which are not inconsistent with the connection of the two countries,— they ought to grant an elective Legislative Council, and, by these and similar measures, they might prolong, for some time, the dominion of this country over Canada. The other, and, perhaps, the wiser course would be, now, to propose a separation of the two countries, as the mass of the Canadian people no longer desire the dominion of this country; and when the greatest portion of the population of a colony feel dissatisfied with the authority of the mother country, then, it appears to me, that the period has arrived at which a friendly separation would be beneficial to the interests of both countries. These are the only alternatives which can be beneficially adopted. The remaining alternative, the one which I fear Ministers intend to pursue, is, to adhere to their past policy, and to assert the supremacy of this country over Canada, without redressing the grievances of the Canadian people. The inevitable result of such a course will be a civil war, unless the people of this country are, as I trust they are, wise enough to forbid it, and to hurl from power the Administration who would dare to propose an appeal to arms. I fear that it is the intention of Ministers to pursue a course which will lead to a civil war, because I find they are now sending troops to Canada. Can the Ministers, I would ask, depend upon the soldiers in Canada? Desertion, I understand, is going on to a great extent, especially in Upper Canada; hardly a week passes that the muster-roll of each regiment is not diminished in this manner; thirty soldiers in one week deserted from Toronto alone; parties are obliged to be stationed at the points of easy egress to the American frontier, in order to prevent desertion, and these parties (generally serjeants' parties), sometimes desert themselves. The 24th regiment, I have been informed, has been almost wholly renewed since it has been in Canada. Nor is desertion to be wondered at, when the rate of wages and the demand for labour across the lines are known. A labourer can obtain from fifteen to twenty dollars a month; and as rich land costs only a dollar and a half an acre, the labourer can, by a few months' savings, make himself independent.

With regard to the demand for labour, advertisements of the following kind are not unfrequently to be seen in the Canadian papers:—"Five thousand labourers wanted at Indianopolis, Indiana, at from fifteen to twenty dollars a month, and board." It seems to me that a British soldier would be patriotic to a romantic degree, who would not, even in time of peace, prefer twenty dollars a month and board, in Indiana, to sixpence a day, and the privilege of being flogged, in the British army; but in time of war, in an unjust and unholy war as this would be, the patriotism of a soldier who would remain in the British service one moment longer than he could help, would be miraculous, tempted, as that soldier undoubtedly would be, by an offer of a portion of the territories of the anti-popular party; for instance, by a share in the fertile possessions of the Land Company, or in the rich fiefs of Beauharnois. In all events, therefore, a war with Canada would be attended with the greatest difficulties. I shudder, Sir, at the idea of the consequences of a civil war with Canada; it would undoubtedly involve this country in a contest with the United States of America. First, it would bring our Government in collision with the governments of the states bordering on Canada, for volunteers by thousands would swarm into Lower Canada from Maine, Vermont, New York, and Kentucky, animated as they would be by the love of adventure,—animated still more by the desire of driving the last relics of monarchy from North America,—tempted, likewise, by the promises of rich lands, by the possessions of the anti-popular party. In this respect, I say, let Texas be a warning of what we may expect from America in the event of a struggle for Canada. Though this interference in the affairs of Canada would at first be confined to individual Americans, it would not terminate there; the conduct of American subjects would not be passed over unnoticed by our Government; complaints and remonstrances would be made to the Union, and the Union would be called upon to prevent its subjects from bearing arms against our troops. This, even if it were willing to do, it could not effect; for how powerful soever the central government of the United States may be, when it goes along with the wishes of the people, it is most feeble when the people are opposed or indifferent to its commands, or when one or more of the sovereign states are desirous of evading its decrees. It is exactly in a case like this that the central government of that republic is weakest; for how anxious soever it may be, from general views of policy, to prevent all interference in the affairs of Canada,—all hostilities with this country,—yet its people will see in this struggle but a repetition of their own glorious struggle for independence; they will behold in the conduct of England towards Canada the sequel of those despotic and unjust principles which, a little more than half a century ago, caused them to shake off our yoke; they will rejoice in the triumph of the Canadians, as the great and final victory of democracy in the New World,—they will sympathise with their northern brethren as sufferers in the same great cause of liberty; and, animated by these noble, these good and generous feelings, they will take a part in that conflict, which, whatever may be the temporary vicissitudes of war, will never terminate till our dominion in America be for ever destroyed. That that dominion should now be brought to a conclusion, I, for one, most sincerely desire; but I desire it should terminate in peace and friendship, leaving behind it the memory of past kindnesses and mutual benefits, paving the way to new and more intimate connections, arising from commercial intercourse and the opening of new channels of beneficial trade; leaving, therefore, to this country all the advantages of a vast and increasing market for our manufactures, without the burden, vexation, and expense of governing a remote region. Great would be the advantages of an amicable separation of the two countries; and great would be the honour this country would reap in consenting to such a separation; great, also, would be the renown which a Ministry would derive from proposing such a measure. I can hardly endure to look at the consequences of a forcible separation. The expenditure of blood and of treasure, great as they would be, are not the greatest among the evils which such a war must engender; we must calculate the baneful prejudices, the odious antipathies, which it will produce amongst nations whose mutual interest it is to cultivate kindly feelings towards one another. We must remember more than half a century has hardly sufficed to obliterate the bad feelings between this country and America, which resulted from the American struggle for independence; and now, when the two nations have begun, as they ought, mutually to admire and respect one another, it must be a matter of the deepest regret to all thinking minds that a new conflict should disturb the relations of amity which are equally beneficial to both. Moreover, such a war invariably appeals to the vilest passions of a nation,—to its worst national vanities, and tends, for a time, to put a stop to all improvements; and many who fear the march of improvement will, I doubt not, gladly seize upon such an opportunity as the present, with the hope of occupying, by war, the national mind, and turning it away from the consideration of reform; and thus delaying, for a time, the progress of all reform. I sincerely trust that the people of this country are enlightened enough to forbid such a war, to disregard the prejudices in favour of extended dominion, and count as little the loss of a useless portion of their territories, when those territories can only be maintained by the infliction of such enormous evils. Should, however, a war take place, I must declare that I should more deplore success on the part of this country than defeat; and though, as an English citizen, I could not but lament the disasters of my countrymen, still it would be to me a matter of less poignant regret than a success which would offer to the world the disastrous and disgraceful spectacle of a free and mighty nation succeeding, by force of arms, in putting down and tyrannising over a free, though feebler community, struggling in defence of its just rights. May such a calamity be averted! May such a reproach never fall upon this country! But if, unhappily, a war does ensue, may speedy victory crown the efforts of the Canadians, and may the curses and execrations of the indignant people of this empire alight upon the heads of those Ministers, who, by their misgovernment, ignorance, and imprudence, involve us in the calamities of civil discord, and expend our national resources in an unholy struggle against liberty! And then ——

[Loud cries of "Order, order!"]

MR. C. LUSHINGTON. — I would appeal to the Chair whether such language as the Honourable Baronet has used is proper for the House to hear?

MR. HUME. — I rise to order. I claim for every Honourable Member of this House full and free liberty of speech, to express his sentiments upon this or any other question, whenever he may think proper to do so, the language always being fitting to the occasion; and I maintain that no man should dare to interrupt him.

SIR W. MOLESWORTH. — I will not trouble the House further.

SIR G. GREY. — After the statement which has been made by my Noble Friend near me (Lord John Russell) as to the course which the Government have deemed the proper one to be adopted, in order to obtain the deliberate judgment of the House, as to the measures which they will feel it their duty to lay before it, for their consideration, I certainly do not intend to enter at length into the various topics and statements which have been brought forward by the Honourable Members who have spoken on this side of the House, and which, I think, might well have been postponed until the information promised to be laid on the table to-morrow had been in their hands. I the more regret that this course has not been followed, and that Honourable Members should have thought fit to enter into a discussion as to the present affairs of Canada, and the measures which are necessary to be adopted in consequence, before the papers to which I have alluded had been laid before them, because the information contained in those papers would have tended to correct some statements which have been made in the course of the speeches to-night, and which I can only characterise as gross misrepresentations of facts as to the real state of affairs in the Canadian provinces. From those statements it would appear that a contest is actually going on between the British Government on the one hand, and the united people of those provinces on the other.

Mr. HUME. — Hear, hear!

SIR G. GREY. — The Honourable Member for Kilkenny cheers me, intimating thereby that such is his opinion; but in the face of the House and of the country I positively and solemnly deny that such is the fact. The Honourable Members who have spoken seem very carefully to have examined the Canadian papers for the resolutions passed at public meetings by those of the inhabitants of those provinces who are in opposition to the British Government; but have they been equally careful in noticing the numerous meetings which have been held in different parts of the provinces, at which some of the most influential of the Canadians have recorded, in the strongest and most unmistakable manner, their sense of the value of the British constitution, their decided attachment to the British constitution, and their firm determination to uphold by all means in their power the connection existing between the two countries. Are not those Honourable Members aware that there is in Canada, at the present moment, a powerful, influential, and numerous minority, who, deprecate the steps which have been taken by the majority of the Legislative Assembly, — a minority who, having invested their capital in the colony, in dependence on the security which the connection with the mother country affords them, dread the success of any measures which may lead to a separation of the countries, and which, however desirable it may be to some Honourable Members in this House, cannot but be attended with ruinous results, not only to the British but also to the French population of Lower Canada. I would remind the House, that the people of Canada enjoy many advantages underth dominion of the British Crown. They are the most lightly taxed people that I know of; they possess the privileges of British subjects, and the protection of the British Crown, and peculiar advantages, which, in the event of a war on the North American continent, and the amalgamation of the colony with the United States, they could not hope to retain. It has been said that the entire of Canada is at present in a state of commotion; but that is far from the fact. It is unfortunately true that a portion of Lower Canada is in a state of disturbance, nay, that, if not in actual insurrection, it is bordering upon it; and that a conflict has taken place between the disaffected and her Majesty's troops. But this state of things by no means extends itself over the whole surface of the provinces, for in by far the greater portion of it not only is the law vindicated, but the government authorities in those parts of the provinces are able to offer the Government the best assurances that any attempt to spread disaffection in them would signally fail. The Honourable Member for Westminster has adverted to the unhappy occurrence which took place on the sixth of last month at Montreal, and has charged the Government with taking part with a lawless mob, and opposing the French Canadians, and driving them out of the town.

Mr. LEADER. — I did not accuse the Government of such a proceeding. I merely stated that such was the opinion of the Canadian population.

SIR G. GREY. — I am surprised to learn that the people of the colony are not aware that, in that affair, the French Canadians were the aggressors; and, being resisted by the English people, the British troops were called out to protect the French people themselves, and it is to that interference that M. Papineau owes the preservation of his property. Allusion has been made to the hostility which exists between the two races composing the Canadian population. That is a fact deeply to be deplored; but the Government have, honestly and zealously, applied themselves to remove that feeling of jealousy. It has been its earnest object to reconcile the moderate men of both parties, who desire the redress of real grievances, and are opposed to every measure having a tendency to sever the colony from the mother country. Hitherto, the attempt to moderate the extreme opinions of either party has, to a certain extent, failed; but I trust that the example set on a former occasion by this House, when party feeling was merged in a general desire to promote the advantage of the empire at large, will have the effect of rallying round the Government in the present crisis all men who are anxious to prevent the spilling of blood, and to see peace restored. The Honourable Member for Westminster would induce the House to believe that sympathy and cordiality exist between the French party in Lower Canada and the inhabitants of the other provinces in British North America. If I am to understand that Honourable Member as disclaiming any feeling of dissatisfaction at the supposed existence of such a state of affairs, I am happy to be able to assure him that the fact is quite otherwise; and the best proof to the contrary I can adduce is to be found in the fact, than in Upper Canada all the British soldiery have been dispensed with by the authorities, and placed at the disposition of Sir John Colborne, who commands in the lower province. It has been said that New Brunswick participates in the revolt. From what source this intelligence has been derived I cannot say; but I am in a situation to assure the House that the latest intelligence received from that quarter by the Government mentions that a unanimous vote has just been passed by the United Assembly of the province, expressing, in a very warm manner, their gratitude to the British Government for the conduct and policy which it has adopted towards them, and which, I will say, is precisely the same as was pursued with regard to Lower Canada up to the month of July last. The Honourable Member for Kilkenny has brought forward very general charges against her Majesty's Government, to which I do not think it at all necessary to reply; but he has, with an impartiality which certainly does him credit, denounced every colonial governor as a tyrant. To a general charge of this kind I can only give a general denial; but if the Honourable Member has any specific complaints to make, let him bring them forward, and I promise him that they shall be fairly gone into.

And this brings me to the remarks which have been made with respect to the appointment of Sir George Arthur. The Honourable Baronet the Member for Leeds has said, that Colonel Arthur is totally unfit to conduct the government of a liberal and free-minded people; and has referred to the evidence given before the Transportation Committee, of which the Honourable Member himself was chairman. Now, I was also a member of that Committee, and, until the present moment, I was not aware that an opinion unfavourable to Colonel Arthur was entertained by any Honourable Gentleman who sat on that Committee; and, certainly, my opinion of Colonel Arthur's conduct differs very materially from that entertained by the Honourable Baronet. It is my opinion that the colony of Van Diemen's Land flourished under Colonel Arthur's rule to an unprecedented extent, and under circumstances naturally disadvantageous. The Honourable Baronet has admitted that Colonel Arthur only executed his instructions. But why not, then, blame the instructions, and not the man whose duty it was to act according to them? Colonel Arthur has served under various colonial secretaries, and has received marks of approbation from many holding different political opinions from his; and I will say that, numerous as were the charges which were alleged against Colonel Arthur, he did not shrink from meeting them. Not one, however, could be substantiated; indeed, one only was persisted in, and it will be in the recollection of the House that that was most satisfactorily refuted. It is asked whether I have not heard of a certain Honduras memorial? In answer to that question, I may state, that the Honourable Member for Southwark, a few nights ago, gave notice of a motion for the production of a letter sent from Honduras to Lord Bathurst in 1822. I have looked for the document, but have been unable to find one of that date; but I discovered a memorial presented in the preceding year from Honduras, deprecating the return of Colonel Arthur in the strongest terms. There also exists another document relating to Colonel Arthur's conduct in liberating certain persons whom he believed to be unjustly held in slavery. This brought on him the odium of the slave-masters; but it was found afterwards that his conduct had been perfectly proper. When, therefore, the Honourable Member for Southwark makes his motion, I will take care also to call for a copy of those two documents. I am confident that the choice made by the Ministry of this officer for the government of Canada will be fully justified by the wise liberality and firmness with which he will discharge his duties. The Honourable Member for Leeds has stated that many British troops have fallen in the collisions that have taken place between them and the French Canadians. I see no reason for believing that statement; and, indeed, I do not think that even one has fallen. I have every reason to believe that the Government, backed by the authority of Parliament, will be enabled, in a very short period, to stem the tide of insurrection in Canada, and to restore to that colony the advantages of peace and tranquillity which, under the dominion of the British Crown, I hope it may long enjoy.

Mr. WARBURTON. — If the course of the House on this occasion turned on any amount of facts necessary to be ascertained, as to whether the present position of affairs in Canada was attributable to the conduct or misconduct of any particular party, I should have wished that this discussion had been delayed until the papers proposed to be laid on the table by the Noble Lord had been produced; but, considering the existing posture of affairs in that province to be the natural consequence of a colony emerging from its infancy and opening into manhood, I do not see how the information which the official papers contain can assist their discussion. As to the conduct of M. Papineau, or of the British Government, I do not think that, whether it have been right or wrong, on the one side or on the other, it has anything at all to do with the question. I admit all the charges that have been alleged against what is called the liberal party to be well founded. I admit, if you will, that their conduct has been treasonable, — call it by what name you please; still I will say, that the conduct of the British Government towards Canada has been, I will not say criminal, but I will give it a name which generally implies what is worse than a political crime, — I will call it a political blunder. An Honourable Member has said, "Show me wherein the conduct of the British Government has been oppressive towards the people of Lower Canada." Why, Sir, that may be considered oppressive by the people on the other side of the Atlantic which would not be considered oppressive here. You may alter the government of a colony, — you may introduce a better system, as in the case of Marshal Suchet, in the Spanish provinces, in the government of which all admit that he effected great improvements. His administration of power was infinitely superior to that of the preceding authorities. Yet the resistance of the people of those provinces to his measures was justifiable, for the changes were not in accordance with their wishes. We must not judge of the feelings and principles of the inhabitants of other countries by our own feelings and principles. How well was it said by Mr. Fox, with reference to the Canadians, in the debate on the Quebec Bill, — "Make them feel that their institutions may be advantageously compared with the republican institutions of neighbouring states." Who will tell me, when, during the last twelve years, the table of the House has been covered with petitions from the Canadians, complaining of their grievances, — when committee on committee has been appointed to take those grievances into consideration, and when the justice which this country always professes its disposition to administer, has been so tardy in its administration as not to be worth the having, — who will tell me that the Canadians have no cause for dissatisfaction? Look at all those things, — the admitted evils, and the delay in providing a remedy, — and then tell me if they have no reason to complain of oppression, and of the acts of the Legislature and Government of this country? There are but two courses open to her Majesty's Government in this case. On the one hand, there is the course which has been so often recommended, not merely by a few Gentlemen of the party with whom I usually act, but by some of the most enlightened Members on the other side of the House, and which was so strongly recommended by Lord Ashburton, when he had a seat in this House. "Let the Canadians," said that Noble Lord, "be governed in such a manner as may prepare them at the earliest possible period for a state of independence." Has this been done? Instead of characterising the demands of the Canadians by the term "organic changes," it ought to have been considered whether those demands related to objects which the Canadians themselves thought desirable? If, on the whole, concession to those demands would have introduced a greater portion of democratic arrangements, what had that to do with the question whether those arrangements would be consistent with the principles of our Government at home? Why not give the Canadian people that which it was evident their hearts were so ardently set upon? Have they not repeatedly demanded an elective council? Why not give it them? "Oh, but," exclaim the opponents of their claims, "that would be an organic change." The answer is, that it is the change which the Canadians wish for. There is this course, therefore, that the Government of this country can pursue; namely, to grant all the changes, organic or not, which the Canadians demand; and by so doing, the separation, which must ultimately take place, may for some time longer be delayed. But if you are not prepared to do this, then we come to that alternative which sooner or later you will be obliged to adopt, namely, separation. I am not one of those who would view the adoption of such a course with alarm; on the contrary, I consider that such a step might be fraught with advantage to the mother country.

Let the House consider the advantages

which would result from this course of policy. In the first place, there would be an immense saving of expense to this country, as we should no longer have to pay the charges of the Canadian Government, and the innumerable other charges consequent on our possession of that country. I do not allude to the mere expenses of the Executive, but we must take into the account the enormous sums which it has been necessary to expend for the purpose of advancing the prosperity of the colony. Twelve years ago, when I first entered this House, one of the first subjects which I heard discussed was the Rideau canal, the expense of which was estimated at above a million and a half of money. That is only a single instance of the vast expense to which these colonies have subjected the mother country. No colony, while the mother country is employed in raising it up, can be productive, but it is, on the contrary, a source of continued expense to the mother country. The object of colonising is, to plant on a deserted soil, or on a soil inhabited only by savage hordes, a population which, when it becomes powerful and enlightened, may repay the care and expense which has been bestowed upon it, by becoming consumers of the produce of the nation from which it sprung. This is the promised land to which all states look when they plant colonies. Up to the present period the Canadas have been productive of nothing to the mother country but expense. To get rid of them, therefore, would be to get rid of a certain loss of money. The very trading monopoly occasioned by our possession of the Canadas has (as I have frequently represented to the House) cost the country 1,200,000*l.* in that amount of protecting duties. If we get rid of the Canadas, that extension of trade will follow, which is the necessary consequence of the independence and prosperity of a colony. All the advantages will accrue to both countries which, under the principles of free trade, must flow from an interchange of commerce. Such is the invariable result of the prosperity that follows the establishment of independence. The next advantage will be the encouragement to emigration, which is occasioned by separation. If the House were to inquire into the extent of emigration from this country to the United States, while those states were colonies of Great Britain, with the extent of emigration after those colonies became independent, they would see that the increased demand for labour which followed independence, was the source of very extensive emigration. Let it not be said, therefore, that we are to retain the Canadas as an outlet for those who wish to emigrate; or that, if a separation were to take place, there would be no longer any emigrants to that country: I am, on the contrary, convinced, that if Canada were free, the present extent of emigration would soon be doubled.

But there are other advantages, too obvious to render it necessary to dwell upon. There is the saving of the expense and misery of a cruel and disgraceful civil war. The next advantage is, the escape from the danger in which we are placed, while we maintain these colonies, of being engaged in war with other countries. Disagreements have already taken place between the diplomatic agents of this country and of the United States, with reference to the boundaries. Those boundaries are still unsettled; and on the settlement of them it is not impossible that discussions may arise which will involve the two nations in hostilities. Now, if we were to make up our minds to an amicable separation, we should avoid all the consequences of war; we should avoid all the bad feelings engendered by every war, but which are produced in a tenfold degree by civil war. I believe, therefore, that if we could put aside those sentiments of national pride by which so many persons are influenced, and which frequently lead Governments to adopt measures which they know in their hearts to be injurious to the countries the affairs of which they are administering, we should desire a separation. So far am I from regarding it with feelings of shame or disgrace (I believe the alternative would be productive of more shame and disgrace), that I devoutly wish the period of separation had arrived; convinced as I am that the change which must then take place in the relations between these colonies and the mother country will be advantageous to all parties. If, on the other hand, we determine to retain the Canadas by a war, we must be prepared to incur all the corresponding disadvantages. And what I most fear, as one of the consequences of the breaking out of civil war in the Canadas, is, that it may involve us in hostility with the United States, and that will necessarily lead to the breaking out of war in Europe. The course of events which would lead to this result, and which has already been pointed out by the Honourable Baronet the Member for Leeds, is obvious. Thousands of American citizens would cross the boundaries for the purpose of assisting the Canadians. That would occasion complaints by Great Britain that the United States were taking part against us in the quarrel between ourselves and our colonies. Now, we all know that the Government of the United States, if they were inclined to do so, could not prevent American citizens from taking part in that quarrel. But the circumstance would produce a state of exasperation between the two countries, and the transition to war would be easy. This country, then, would be engaged in hostilities with the United States; and being so engaged, a quarrel between this country and some of the European states would inevitably follow. If I am asked what powers would be most likely, if they did not actually engage in war with us, to take a course which would be highly detrimental to our interests, I would say, all the northern powers of Europe. Russia, Prussia, Sweden, Norway, if they did not do so openly, would secretly endeavour to promote the cause of the Canadians, in order to destroy the forced trade which we have established with the Canadas; and to recover their full and free trade with this country. This is an object which in the event of a war would render all those powers either the open or the secret allies of our American colonies. As to the question of the advantages or disadvantages which would result to the people of Canada from a separation from this country, that is a point which I am not now prepared to discuss — that is, of course, entirely a matter of opinion. But if a people take up arms, and subject themselves to all the penalties attendant upon revolt and insurrection, for the attainment of what they consider to be a beneficial object, it cannot but be acknowledged that of the value of that object they must be the best judges. It is foreign to the question to say that you can draw up a bill of indictment against the colony. I am convinced by their conduct that the Canadian people are dissatisfied with the Government of this country. It has been frankly admitted that the supporters of the British Government in Canada are only a minority of the population. And yet, forsooth, because there are certain persons in Canada who are well affected towards the British Government, and are anxious for the continuance of the connection with this country, we are therefore to pay no respect to the wishes of the majority; but for the sake of the minority we are to entail upon the colony all the horrors of a civil war. But there were loyalists in the United States on the breaking out of the revolt in that country, and there are Orangemen in Ireland; and the fact that a minority of Canadians are favourable to British rule proves nothing more than this, — that in Canada, as in every other country where there is political excitement, there are parties who hold opposite political opinions upon agitated questions.

I must say, that the conduct pursued with reference to this subject by the present Government, considering to what party in the state they belong, strikes me with astonishment. In the course of my reading, as bearing upon the history of this country, I have always admired the conduct of the Whigs at the time of the quarrel between the American colonies and the mother country as one of the brightest efforts that was ever made in the cause of freedom. Such being my feelings and opinions, I cannot but lament that the same party are now pursuing a course so much opposed to that which they formerly adopted; and I exclaim, —

Who would not laugh, if such a man there be?
Who would not weep, if Atticus were he?

But, Sir, I must say, that if the indications which have this night been given are to be followed up — if the course which has been darkly shadowed out be realised — if that be carried into effect, which I fear I but too truly anticipate, — I shall deem it my duty, without paying the slightest regard to the feelings which I entertain for my party, to do all in my power to oppose a Government so acting; and I shall do so for this reason, — because I can only augur from such a course a repetition of all the disgrace which we incurred in vainly endeavouring to prevent the United States from acquiring their independence. Still, I cannot but believe that her Majesty's Government, having before them the history of the American war, and seeing that similar consequences are likely to result from engaging in a similar contest with Canada, will pause before they determine upon adopting such a line of policy. I think the Government must feel that such a course of policy is wrong; if, however, they have not this feeling, then I wish they would at once make up their minds to resign the offices which they hold rather than engage in a war that must prove disastrous, let it terminate in what way it may. If you triumph, you triumph. You will "make a solitude, and call it peace." If you continue to hold the colony, you can only hope to do so at a monstrous expenditure; and besides, however great that expenditure may be, it will eventually be ineffectual: the affections of the colonists will be estranged from the mother country, and separation must come at an early period. If, on the other hand, as has been recommended by some Honourable Members on this side of the House, you agree to the terms of an amicable separation, you will derive from it all the advantages which I have described, and many more which I will not take up the time of the House by enumerating; and, so far from losing the advantages of the connection between the colony and the mother country, those advantages will be increased to a tenfold degree. But, independently of the question of separation (and a separation is not inevitable at the present moment), the Government have the alternative of granting all the changes in their constitution which the Canadians desire, whether organic or not. I am aware that the number of individuals in this House disposed to support my views in this matter is not large. If Parliaments were shorter, or if we were nearer a general election, the event might be very different; but, unfortunately, we are at the commencement of a new Parliament, and therefore I cannot venture to expect that many Honourable Gentlemen will be found disposed to favour my suggestions. But, whether the House or the Government do or do not pursue the course which I have ventured to recommend, I anticipate that the period will shortly arrive when the consequences of the breaking out of the war will become manifest, and when the opposition of Government to liberal principles shall be more distinctly marked, the great majority of the people will declare themselves in favour of the cause which now meets with so few supporters in this House. When the war shall have commenced, and the people begin to experience all the evil consequences, — when they find their comforts reduced, the burdens of taxation increased, their trade diminished, — when they see all internal improvement at an end, and education denied them, — then will their eyes be fully opened; they will raise their voice, and at once put a stop to that course of ruinous policy which the Government now seem inclined to follow.

Mr. G. F. YOUNG.—Sir, it is a melancholy and humiliating spectacle to see an Honourable Member of the British House of Commons rise in his place for the purpose of dwelling on and exaggerating (though certainly not intentionally) the disasters which threaten his country, pointing out the parts in which it was most vulnerable, and showing how a colonial population, in a state of revolt, might triumph over the law. Sir, I was sorry to hear the Honourable Member for Westminster suggest the mode of firing, which would have the most deadly effect upon her Majesty's troops. It reminded me of the advice given in the Irish song: —

> So put your trust in God, my boys,
> And keep your powder dry.

And, Sir, I was sorry, also, to hear an Honourable Member, holding such high rank and station in the country as does the Honourable Member for Leeds, express his hope that, if there should be a collision between the British troops and the revolted population of Lower Canada, the latter might be victorious. The whole of the Honourable Baronet's statement was pervaded by fallacies. This, however, is no matter for surprise, as it is too much the practice of that small knot of solemn politicians, at the head of whom (now that the late Member for Bath is no longer in this House) the Honourable Baronet has placed himself, to pretend to a monopoly of all the information respecting the condition of Canada. Now, I will say, that there are other Honourable Gentlemen in this House who are at least as well informed on this subject as are those Honourable Members to whom I have alluded; and whilst, by presenting exaggerated statements, they have endeavoured to throw the House into a state of despondency, I, proceeding on sound and solid information, will submit to the House a very different picture. The effect of the Honourable Baronet's address to the House would be, to stimulate the discontented in Canada to effort. The Honourable Baronet has said, that the desertion from her Majesty's troops is enormous. Now, I can tell the Honourable Baronet that, although the temptation held out is very great, there has been much less desertion since the existence of the present disturbances than there was before. The Honourable Baronet also spoke of Lower Canada as if all its people were averse to British rule and British connection. Now, that is far from being the fact. The population of Lower Canada is composed of one quarter belonging to the British party, and three quarters belonging to the French party. The British portion are all but universally in favour of the British Government, and the connection with the mother country; neither are the French party so generally averse to that connection and rule, as the Honourable Baronet affects to believe. In fact, they are a peaceable, quiet, orderly set of persons; and, in the main, are much attached to the mother country. The priests, too, who have great influence over them, entertain similar sentiments; and when the Honourable Baronet talks of the causes of "present disturbances," let him not look so far off as Canada itself. In estimating those causes, I cannot leave out of my consideration the inflammatory harangues made to the population of Lower Canada, not in their own country, but much nearer home, within the walls of this House, — a course of conduct which, I regret to observe, is not even now abandoned, although the standard of insurrection has been raised in the colony. As to the increased value of Canada to this country in the event of a separation, I think I am prepared to disprove the suppositions of the Honourable Member for Bridport. The advantages which this country at present enjoys from the connection with Canada may be stated to be three :— first, that it affords an outlet for our manufactures; secondly, that it employs British shipping; thirdly, that it affords facilities for emigration.

I will advert, more especially, to the second branch, with which I am the most acquainted. In the first place, however, I would remark, that I do not think the question should be placed on the narrow ground of how much benefit or how much loss would result from the separation of Canada from Great Britain. National justice and national honour are the considerations which it is more imperative to attend to. With respect to the advantages which British shipping would derive from the separation, the Honourable Baronet was perfectly in error when he said that British shipping had derived advantages from the separation from the United States. Does the Honourable Gentleman know that almost all the existing carrying trade between Great Britain and the United States is carried in American bottoms? There is no foundation, therefore, for the inference which the Honourable Baronet has attempted to draw, that the separation of Canada from the mother country would be beneficial to our shipping interest. I say that national justice and national honour are involved in this case. I was not a little astonished at the Honourable Member for Westminster's sarcastic allusion to the rich lands which have been granted by the British Government to the Land Company, as affording rich prizes to those engaged in the present contest. If the Legislature, granting these lands, have induced the proprietors to invest capital in cultivation, thereby conferring a benefit on the colony, are not these proprietors entitled to protection? Have the numerous persons who have emigrated to Canada no right to that protection from the mother country, upon the faith of which they were induced to settle there? Are we to give up the possession of political power in Canada into the hands of those who would exercise the most reckless tyranny over all who are friendly to British connection and British interests? The consent, therefore, of the Government of this country to adopt the course that has been recommended by some Honourable Gentlemen on the other side would, in my opinion, be not only unjust but disgraceful. For these reasons, I think the Honourable Member for Ashburton was fully justified in expressing his honest indignation at the language used by those who have advocated such a line of policy. As to the causes of the existing state of things in Lower Canada, they may form fitting matter for consideration at a future period. But when the house is in flames is not the time to suspend exertions for its extinction for the purpose of inquiring into the cause of the conflagration. The Honourable Member for Bridport may indulge in his philosophical harangues; but he will not succeed in eradicating the general conviction of the advantages of our colonial possessions from the minds either of this House or of the public so easily as he, and the little band of pseudo politicians by which he is surrounded, seem to wish.

Allusion has been made to the first war with the United States of America, and an analogy has been attempted to be drawn betwixt the present condition of Canada and that of the United States previous to the breaking out of that war. If, however, the matter be fully and fairly examined, it will be found that no such analogy subsists. The Honourable Gentleman opposite is begging the whole question when he says that the people of England would not support the Government in an unjust war. I hope they will not. I hope no war will take place,—notwithstanding the sneer of the Honourable Member for Westminster, who has ventured to say that he supposes that some Honourable Gentlemen on the side of the House where I sit would support a war, because they might profit by it. I believe that there is no justifiable foundation whatever for the attempt which has been made to subvert the British power in Canada, and that the attempt has found no sympathy or support among the great mass of the Canadian people. I am satisfied that, if the contingency were to arise which has been suggested by the Honourable Member for Bridport (Mr. Warburton), — if we, the Members of the House of Commons, were about to return to our constituents, it would be found that the great majority of the people of Great Britain would respond to the sentiments expressed by the Noble Lord (Lord John Russell), when he said that he conceived it to be the duty of the Government to do everything in its power to maintain the British authority in Canada. I voted, during the last Session, in favour of the resolutions which the Noble Lord proposed to the House. Many other Honourable Members, who have recently appeared on the hustings, did the same; and was any dissatisfaction expressed by our constituents on that ground? None whatever. Indeed, I believe that the people of Great Britain would rather reject candidates if they openly avowed their intentions, who, like the Honourable Member for Westminster, wish to lay the honour and justice of this country prostrate at the feet of a few unprincipled and selfish agitators, than they would those who are desirous of maintaining that honour inviolate, even though it should unhappily, for a time at least, be necessary to employ the strong hand of force to attain that end. It is well known that I have attached myself to no party in this House; I have always acted on the principle of "measures, and not men." If it can be proved that those who are intrusted with the powers of government in Canada have abused their trust, let them be called to account, and impeached and punished. But, in the mean time, until the disorders which have now unfortunately broken out are put down by a salutary use of the authority and executive powers of the law, I shall feel it my duty to give my support to the Government in the course they are pursuing. One word more. The Honourable Member for Westminster has alluded to one outrage said to have been committed by some belonging to that party of the Canadians who are attached to the British Government; but he did not say anything of the numerous outrages committed by the disaffected agitators, who, in some instances, have gone to magistrates, and, by threatening their lives, have compelled them to resign their commissions.

Mr. GROTE. — The Honourable Gentleman who has just sat down has followed the example of others who have spoken from the same side of the House, in condemning the tone of triumph and exultation which they say has been adopted by my two Honourable Friends behind me. If such a tone of argument is open to condemnation, I think none can be more open to that censure than the Honourable Gentleman who has just sat down, and the Honourable Baronet the Member for Plymouth; they have both indulged in a tone of triumph and exultation. They have stated, that the existing disturbances in Lower Canada, which all must lament, occupy a very small space — the space of a pin's point—in the centre of the colony, while every other state is in an exuberant state of loyalty aud peace. I do not intend to expose myself to the charge of using expressions of triumph and exultation; my only feeling is one of deep sadness and concern. If, indeed, there be in my bosom one lurking feeling of triumph, it rests solely upon the recollection that I was one of the very small minority who offered their most strenuous opposition to those fatal resolutions of the last Session which have produced all the present disasters in Canada. I would not have the responsibility of those resolutions upon my conscience, taking them in connection with all the consequences to which they are destined to give birth, for anything that could be offered me. There is no part of my public conduct to which I look back with such unqualified gratification, as to that in which I united with a few others, and carried my opposition to the utmost verge that the forms of the House would allow, hoping, if possible to prevent so great an injustice being inflicted upon a free people. When those fatal resolutions were under discussion, I took the liberty of saying, that with their passing would terminate our policy and connection with Canada, and that, thenceforth, the people would have nothing to look to but the means of supporting and defending themselves, or, to use their own words, "physical and material force must be the only topic for their consideration." Almost every prediction which those who opposed the resolutions ventured to hazard has since been verified, and more than verified, in the way of calamitous consequences. However disagreeable it may be to the Honourable Gentlemen opposite to entertain the idea of separation from Canada, I am quite sure that no person can weigh the subject, well, without seeing that that question must, before long, be brought under the mature consideration of every reflecting man in the kingdom. In the course of the discussions which took place upon the resolutions, I said that there were two things, either of which it was desirable (though certainly not equally desirable) to accomplish, — an amicable union, or an amicable separation. From the present posture of affairs, I very much fear that neither the one nor the other of these alternatives will soon be within our reach. Notwithstanding the urgency of the time, and the great changes of circumstances which have since taken place, I regret to find the same tone adopted by the Government and the Honourable Gentlemen who support the views of the Government, as that by which they seemed to be inspired when the resolutions were under their consideration. I regret to find the same confidence expressed by the Government, and by so many Honourable Gentlemen on the opposite side of the House, that it wanted only the expression of a strong opinion from a large majority in the British Parliament, at once to put down all idea of resistance in the minds of the people of Canada. Last year, all the disturbances, all the disquiet of the province were attributed to a few agitators, who were talked of as insignificant, and unworthy of a serious regard; and, even now, the same language is held, although occurrence after occurence shows that such confidence is founded in the grossest delusion.

It has been asserted by some Honourable Gentlemen, in the course of the debate, that there is no analogy between the present state of Canada and that of the provinces of the United States in 1774. But I have not heard one single argument to prove to me that there is the least disparity whatever between the two cases. I contend, not only that the treatment of England towards Canada is analogous to that of the treatment of England towards the United States, but that the grievances of which the Canadians complain are also, in every respect, exactly analogous to the grievances of which the United States complained. The principal grievance arises, in fact, out of the right assumed by the British Government to take the people's money. That was the chief ground of the complaint of the United States in 1774; it is also the chief ground of the complaint of Canada at the present moment. By the resolutions of last year, the Canadian people were substantially deprived of all control over their own revenues and their own treasury. I listened with much surprise to the Honourable Member for Newark (Mr. Gladstone) when he said, in the course of his speech this evening, that it was not a mere speculative grievance, or grievance of principle, but a series of protracted oppressions, which led the United States of America to shake off the yoke of Great Britain. Now, that statement was entirely inaccurate. It is necessary only to read the speech of Mr. Burke upon the subject, to be convinced that the resistance of the Americans arose entirely out of the assumed right of the British Parliament to tax them without consulting their own Legislature. In point of fact, the British Parliament did not take any money — did not exercise the right it claimed in that respect; — it was the mere claim of the right which caused the bloody and protracted war in which the Americans engaged, and in which they would rather have died than submit to what they conceived to be the injustice and tyranny of the mother country. I believe that no great practical grievance has been entailed upon Canada, any more than upon the United States; but the British Legislature unfortunately assumes over the former, as it did over the latter, a right of control, which, however the Noble Lord the Member for Stroud (Lord J. Russell) may regard it, I am sure would have been considered by the Lord Russell of former days, and by Algernon Sydney, as equal to a sentence of slavery! Although I admit that, under present circumstances, the question of union or separation between the mother country and the colony is accompanied with difficulties peculiar to the time, yet I maintain, that the British Legislature must not fear or even delay to face the evils of which it has itself been the cause. After matters have come to such a pass as that in which they now are in Canada, how can the British Legislature hope to govern the colony except by superiority of force? How can it ever hope that its occupation of the country will be other than one of continual disturbance, revolting to the feelings of those who have to maintain it, and absolutely intolerable to those who have to submit to it? Surely, the material advantages, in point of wealth and commerce, must be great indeed, if worth purchasing at the cost of eternal coercion and an unceasing struggle to put down the feelings of the great mass of the Canadian people.

Whether the state of affairs in Canada be as serious as has been represented or not, it is, at all events, certain that a series of disturbances has taken place; and that the tendency of things is such as to render the continuance of pacific government scarcely to be expected under any circumstances; even if the House were disposed, which I do not think it is, to adopt a conciliatory course, it is much to be feared that it would now fail of producing that happy effect which, if adopted at an earlier period, it would undoubtedly have secured. Although sufficient information has not yet been received to enable us to estimate the extent to which the flame of rebellion has spread, we have, still, sufficient knowledge upon the subject to convince us that all the care and attention of the Government will be required to meet the difficulty in which the country and the colony are involved. I should be pleased, indeed, to find that the rebellion had not reached the height which many Gentlemen seemed to anticipate, because it might give time to the Government to retrace, and perhaps retrieve, its policy. I say, I shall rejoice if it shall appear, by further information, that the accounts we have received from Canada are exaggerated as to the extent of the existing evils; and, if so, I would implore the House to let what has passed serve as a warning for the future, and instead of indulging, at all times, when the rights and interests of the colony are discussed, in a tone of triumph at the superior power of England, to allow a little space for conciliation and justice, and to deal with the Canadians as they would with men who, though freemen like themselves, are still desirous of remaining, if they can do so with honour, in connection with England as their mother country.

SIR R. H. INGLIS. — Having heard the speech of the Honourable Member for Bridport, and looking at the appearance of the House, with its half-empty benches, one would suppose that we were discussing some Bill for the regulation of weights and measures, or something of a most uninteresting character, rather than a rebellion in a colony which is one of the brightest jewels in the British Crown. This indifference is most striking, and, to me, most unaccountable, considering the magnitude and importance of the question. If the statements which have been received respecting Canada are correct, the Government ought not to delay the consideration of the subject a single moment; and, instead of adjourning for a fortnight, they ought, before the next twenty-four hours have elapsed, to attempt to bring it to something like a satisfactory settlement. A great colony is said to be in a state of open rebellion; therefore the Government have great and urgent duties to perform, and they ought not to suffer the House to separate for so long a period as three weeks, when matters so urgent are pressing upon us for consideration; and I do hope, as the question of adjournment has not yet been formally put, that the Noble Lord (Lord J. Russell) will pause before he proposes so long a recess. I do not know whether it was my misfortune or my good fortune not to have heard all the speeches which have been made in the course of this debate, but I did hear the Honourable Member for Westminster call on Honourable Gentlemen on the Opposition side of the House to answer a sneer which he thought proper to address to them, as if they coveted an unjust war for the sake of crushing a free people. There is nothing in the conduct of the Honourable Gentlemen with whom I act to justify the Honourable Member in saying that they underrate the horrors of war under any circumstances, or that they would advocate a cause which was unjust, either in public or private, in war or in peace. I am perfectly certain, that it would require eloquence and arguments far different to those of the Honourable Member to convince the people of England that we are what he is pleased to describe us to be. The Honourable Member for Bridport, at a time when it is said that the cannons are roaring on the other side of the Atlantic, talks of an amicable settlement. Is this the time for an amicable settlement? Is it not, rather, a time for giving protection to those who are attached to the British Government? Not that I undervalue an amicable settlement, or think it utterly impossible; for I trust that Canada will be reduced to that subjection which is desirable and necessary before anything in the way of a settlement can be satisfactorily effected. It is in Canada as in Ireland; in the one country a certain set of men call themselves Canadians, and in the other a certain party call themselves Irishmen. Those men to whom I allude talk as if none but those of their own — I will not say faction, but — party—were entitled to the rights and feelings of Irishmen. So it is with the party in Canada. Only those who belong to a faction are regarded as having any rights at all. At the least, there is one fourth of British blood in Canada, and of the other three fourths a very large portion of the people are in favour of the British Government.

The Honourable Member for Bridport has made a kind of philosophical speech, which was calm enough in its tone, but into which he introduced doctrines the very reverse of calm, and which, I must say, appeared to me very inconsistent with other passages of his own speech. For instance: in one part he talked of the justice of the cause of the colonists, and in another, of the popular will being the only good; and he contended that, because a majority held certain opinions, and claimed certain rights, they ought to be conceded. The question is not, with the Honourable Gentlemen, whether they are well founded, but simply whether the majority adhere to them. Now, I deny any abstract rights in any man, or any body of men. I contend that the Canadian people have certain rights emanating from a specific constitution, awarded to them by the competent power. To those rights, in their fullest extent, they may justly lay claim; but any attempt to demand beyond those rights, is to be considered as rebellion, and ought not to gain that sympathy from Honourable Members opposite, which, I need hardly say how far, has provoked the present state of things. But of this I am certain, that the best chance of bringing back the colonists to subordination, is a manifestation in this House to support, I will not say the rights and honour of the Crown merely, but the loyalty of the better part of the population, and their peace and independence, which are threatened as much by the success of the present rebellious party as they would be if conquered by a foreign power. Does anybody suppose that, if that party should succeed in revolutionising that country, it can remain independent? Would not America absolve it for the purpose of gaining it? Or would they not be compelled to turn to America? I hope her Majesty's Ministers will not delay the consideration of this important question; but that, as early as possible, they will call the whole of the Members of this House together to investigate so important a subject, and that the Noble Lord will reconsider the announcement he has made.

CAPTAIN PECHELL. — I must also join in deprecating the tone and manner in which this discussion has been carried on; and I must especially express my dissent from the observations of the Honourable Gentlemen the Members for Leeds and for Westminster, relative to the probability that Nova Scotia and New Brunswick would be found making common cause with Canada; and to the desertion which is likely to take place from the ranks of the British army, in case of open hostilities. Sir, I believe that no greater misfortune could happen to the people of Nova Scotia and New Brunswick, than a separation from the mother country. Those colonies are in precisely the same situation now, as was the province of Canada during the late war with the United States. The Canadas might then have easily joined those States; but the advantage of British connection was appreciated, and they refused to do so: and the same reason which restrained the Canadians then, would actuate the inhabitants of Nova Scotia and New Brunswick at the present day. And, with respect to desertions, I believe that, previous to the breaking out of the present disturbances, some few instances of desertion did take place, owing to the great advantages which were offered to our soldiers in the United States; but I know well that, now their assistance is actually needed, the fallacies of such promises will be seen through, and the British soldier will not be induced to desert his colours. Whatever may be the ultimate decision of the House upon this discussion, I hope that the Noble Lord at the head of the Home Department will not take the advice of the Honourable Baronet, the Member for the University of Oxford, with reference to the length of the adjournment of the House, for I believe that a shorter adjournment than to the 1st of February will be most distasteful to many Honourable Members who are now absent. I therefore hope, rather, that the Noble Lord will withdraw from the intention he has expressed, and thus give the House an opportunity of showing its confidence in the Government.

MR. MACLEAN. — Though, perhaps, it may be distasteful to many Honourable Members on both sides of the House that it should meet earlier than the 1st of February, as originally proposed, still, from the deep importance of this subject, — a subject not very appropriately, I think, offered to the consideration of the House at this moment,—I am prepared to accede to the views of the Honourable Baronet, the Member for the University of Oxford, as conveyed in the suggestion he has made. I am of opinion that Parliament should, without any loss of time, take into its careful and most serious consideration the present condition of Lower Canada, the rebellious position of which renders it necessary to have the opinion of the Legislature of this country; and the earlier the Parliament proceeds to the discharge of this important and imperative duty, the better it will be both for the character of the mother country and the best interests of the colony. I cannot avoid alluding to some of the points of the speech which has been delivered by the Honourable Member for Bridport, — a speech remarkable for the singular discrepancies between the doctrine preached by the Honourable Member, and the conduct hitherto pursued in the House with regard to Canada. The doctrine of the Honourable Member for Bridport is, that it signifies nothing what has been the language, what the course of conduct,—no matter how rebellious or treasonable soever,—nay, it matters not to the Honourable Member if the subjects of the Queen are in a state of overt treason, of open rebellion; the Honourable Member says, that the first thing to be done is to attend to their complaints. Now, I beg to ask whether Canada is a colony of this country, or is she an independent nation? Why, if the Honourable Member for Bridport push his argument but a few steps further, every colony might take precisely the same ground as Canada; and, when the British Legislature, or the Crown under which such colony was by conquest placed, declared that that colony was wrong in the course it was pursuing, might say, that the course it had so taken was right, in virtue of its being supported by the majority of the people of that particular colony. Nay, the same doctrine might be brought even nearer home. Might it not equally be applied to another portion of her Majesty's dominions, separated from Great Britain only by the sea, as, indeed, is Canada; and then would the Honourable Member for Bridport declare that, however treasonable the language used, however rebellious the feeling manifested, still these were to be justified by the fact of their accordance with the views of the majority of the people? It is admitted that the Canadas are, both of them, colonies of this country, and have established in them two independent legislatures; but, at the same time, those legislatures invariably confer with the mother country upon any course that is thought important to be pursued with reference to the government or interests of those colonies. The resolutions at present before me show that it was the intention of Canada, acting on the principle of her constitution, to submit her grievances to the consideration of Parliament here; and, if so, surely Canada was bound by the course the British Parliament might think fit to adopt.

An HONOURABLE MEMBER. — Oh, oh!

Mr. MACLEAN. — The Honourable Gentleman may cry "Oh!" but I would be glad if the Honourable Gentleman, whoever he may be, will tell me what becomes of the doctrine that the majority should always take the lead, when, on the colony, submitting—as it did—its interests to the consideration of the Legislature of Great Britain, and on a majority of that Legislature refusing its sanction to the measures proposed by the colonists; the latter refuse to adopt such decision,—what becomes of the argument, that we must act in conformity with the views of that majority? Why, the Canadians have themselves negatived that doctrine. They represented either real or supposed grievances to the Legislature of this country; those real or supposed grievances received the solemn deliberation of the House of Commons; and is it to be said that when Parliament, by a large and overwhelming majority, passed the resolutions now before me, and sent them out to the Canadian Legislature, those resolutions, so adopted, were to be met with an address which, according even to the Honourable Member for Leeds, was couched in a most insulting tone towards the mother country? Why, if one course was more adapted than another to blow the flame of civil war in the Canadas, it was the course taken on the occasion to which I refer, by the House of Assembly, with their Speaker at their head. And when the Earl of Gosford thought it his duty to make a proclamation in the name of her Majesty, is this House to be told by Honourable Members who are here the advocates of that course of proceeding, which may or may not be treasonable, that it was justifiable in some of the magistracy to be part and parcel of a meeting who tore down the Queen's proclamation, and treated it with insult? That meeting was held for the purpose of setting at defiance her Majesty's authority, and when those gentlemen were most properly dismissed from the commission of the peace for thus contemning the royal authority, did not the people appoint justices of their own, and, under a solemn agreement, bind themselves to pay no obedience to the law or the courts of the country? Is the House, then, under such circumstances, to be told that when the Governor General saw these events passing before his eyes, — that when his authority was set at defiance, his whole jurisdiction abolished, — he was to be blamed for taking those steps which were necessary to discharge his duty to his country, and prove his loyalty to his sovereign? Is it just to designate him as the man who has blown the flame of civil war, and driven the Canadian people against the Government of the mother country? I should like Honourable Gentlemen opposite to say what course they would have recommended Lord Gosford, under such circumstances, to adopt. I should be glad to hear from them what they, in their wisdom, would have done, if placed in the same position as that in which the Noble Earl stood? I will say, that if the Noble Earl, instead of pursuing the course he has done, had truckled to the parties engaged in these rebellious acts, he would have ceded the Queen's rights; and, in my opinion, would have been a traitor to his country and his Queen, and would have been justly taunted, when he returned home, with arrant cowardice, for failing to discharge the high and important functions with which his Sovereign had invested him.

I do not stand up either to vindicate or to discuss the nature of Lord Gosford's mission; but I will say, looking at all the facts before the House, that it appears to me somewhat curious to charge the Noble Earl with an abandonment of duty, when he has actually been forced into the severe exercise of the powers with which he was invested, by the unfair promulgation of doctrines which militated against the authority of the Crown. The Canadians have been told, by some Honourable Gentlemen in communication with them, that the time was coming when the baleful domination of this country over the colonies would cease. Now, nothing can be more calculated to excite the colonists, and to lead them to suppose that the people of England were favourable to the views of M. Papineau's party, than the language used in the correspondence and communications to which I allude. When it was understood that her Majesty's Government intended to call Parliament together for the purpose of discussing this subject, I had hoped that the angry topics which have been launched tonight, and urged upon the attention of the country, would have been avoided. I regret that some Honourable Members opposite should have thought it right to declare their wish, that whatever course this question might take, if it came to blows, and her Majesty's troops were brought into collision with those parties engaged in the rebellion, — her Majesty's arms might be defeated. I cannot but enter my protest against such language being uttered, especially by Honourable Members of the station and rank of those to whom I advert; and I trust that the wishes of the majority of the House will be, however painful it is to contemplate a collision of the nature all must deprecate (namely, between those who defy the authority of the Crown, and those sent to support and relieve the difficulties of the Governor General), that if any such collision do take place, her Majesty's troops may be successful. I also extremely regret that, in this discussion, Honourable Gentlemen opposite should have dealt in expressions derogatory to individuals placed in authority in Canada. Of Colonel Arthur I know nothing; but with regard to the gallant officer now in the command of the troops serving in that colony, and armed with a most delicate and important commission, I will say that the language applied to that gallant officer by the Honourable Member for Kilkenny was not in the most remote degree warranted by anything that is known of him. I speak of him as the son of an old officer, when I state that Sir John Colborne is a man highly esteemed in the profession of which he is an ornament, and has discharged many most important services to the country. Sir John Colborne has been spoken of as a firebrand sent from one province to another, and as unlikely to extinguish civil war; but I am sure I speak the voice of the whole military profession, when I declare that Sir John Colborne does not deserve the imputations which have been cast upon him. I cannot but deprecate the unseasonableness of the present discussion, which I think is calculated to give a false colouring to the events which have happened, and a false direction to those which are about to follow.

SIR C. B. VERE. — I must say, that the aspersions which have been thrown out against Sir John Colborne by Honourable Gentlemen opposite were extremely improper, and ought not to have been indulged in. I can bear testimony to the great claims of Sir John Colborne to that respect and esteem which he has acquired among his brother officers. I believe that the character of no officer in the public service stands higher, nor is there one better qualified to have trust reposed in him. He is a friend whom I have not seen for years; but I may safely say, that every Minister with whom he has had communication, in the situation in which he has been placed, whether of the one political party or the other, has been perfectly satisfied with the manner in which that gallant officer has discharged his duty.

Mr. J. ELLIS. — I conceive that with a subject of so important and pressing a nature as that which is involved in the present discussion, it is incumbent upon the House to adjourn over for the shortest possible period. The Noble Lord admits that the reports from Canada, which have been published, are credible, and that he believes they cannot be questioned; yet the Noble Lord has proposed an adjournment of three weeks. Now, when I consider the nature of the sentiments which have been this night expressed, — when I consider that the present debate will be a long way on its road to Canada before the three weeks will have expired, and before any counteraction can be given to these sentiments, — and when the House remembers that Lower Canada is on the very verge of insurrection, and that the flames of rebellion are ready to break forth there, — I trust that Honourable Members will press upon the Noble Lord the necessity of fixing an earlier day than the 16th of January for the re-assembling of Parliament. I must, at the same time, express my astonishment that the Honourable Gentleman the Member for Westminster, so soon after the news of a collision between the British troops and the insurgents had reached England, should come down to this House and deliver a speech, — I will not say tainted, but at any rate—completely pregnant, with gratulation, in which he did not even point out any means of effecting an amicable separation, but suggested the manner in which the colony might resist the connection with, and shake off the authority of, the mother country. I did not expect to hear the Honourable Member say that the measures of the Government would fail in putting down the disturbances which exist in Lower Canada, and that the measures taken by the Canadians for resisting the authority of this country were well taken and would be successful — I did not expect that the Honourable Member would have improved upon the policy which the Canadians are pursuing in recommending that all commercial intercourse between the two countries should cease. I must equally deprecate the language used by the Honourable Member for Kilkenny. I do hope that the debate will be resumed at an early period, and that the language which may then be held will be more in accordance with that of the Noble Lord's (J. Russell), in his opening speech, than, I am sorry to say, much of that which I have heard uttered this evening.

Mr. HINDLEY. — Sir, if there be any one part of my public conduct, any one vote that I have ever given in this House, with which I am better satisfied than another, it is the vote I gave last Session, on the Noble Lord's resolutions regarding Canada. I confess I cannot concur in the propriety of the shortness of the adjournment; for I am convinced that it will prove to be a most serious practical inconvenience to call back those Honourable Members who have been long in town, assiduously engaged in the discharge of parliamentary duties, earlier than the 1st of February. With respect to the question now under discussion, I would say, that all I wish or desire is, that Government should take conciliatory steps towards the adjustment of Canadian differences. I deprecate, exceedingly, the tone and temper of the clever and vehement speech of my Honourable Friend, the Member for Westminster (Mr. Leader); but I hope that the expressions of which I complain will not influence the feelings of the Canadian people, nor prevent her Majesty's Ministers from pursuing that conciliatory course which may long preserve Canada as a colony of the British Crown. But should the chance be even probable that Canada will become a separate state, still, I say, let us treat her whilst she is ours with the same kindness, the same good feeling, the same justice, and the same generosity with which all our other possessions and colonies are treated by the parent state. I, for one, in such a case, should be extremely glad that we were thus enabled to get rid of an expensive colony, on the ground of advantage both to it and to the mother country. But, in this alternative of parting with it, let us, at least, part on the best of terms, and make the necessary arrangements for rendering Canada a prosperous and independent state.

Mr. BORTHWICK. — I should not have trespassed on the patience of the House at all, on the present occasion, had it not been for the speech which we have just heard from the Honourable Member for Ashton (Mr. Hindley). That speech presented a very extraordinary contrast, indeed, with some which preceded it. I must concur with the Honourable Gentleman who last addressed the House in deprecating the language resorted to, especially by the Honourable Member for Kilkenny (Mr. Hume) and the Honourable Baronet the Member for Leeds (Sir W. Molesworth); the one of whom, in place of measures of conciliation, actually invoked the thunders of the rebels' cannon, whilst the other has recorded wishes which actually amount to curses upon the cause for which the standard of his country is unfurled in the Canadian territory. The Honourable Member for Westminster (Mr. Leader) has expressed his cordial approbation of proceedings which amount to all but absolute rebellion. I should be sorry to put faith in all the shadowy rumours which have reached this country, of late, from Canada, touching the state of feelings and opinions which exists throughout that vast country, but especially upon its frontiers. This, however, I must say, — that expression, has been given, to-night, to principles of the most dangerous description that could agitate men's minds, either in Canada or in the mother country itself. For what was the language of the Honourable Baronet the Member for Leeds, but that of hearty and powerful encouragement to the monstrous insurrection of the British Canadian colonists? I have heard, in this British House of Commons, epithets of approbation and sympathy lavished on a struggle in which revolted colonists are arrayed with artillery, and all the appliances of war, against the troops of our gracious Sovereign. But the Honourable Member for Bridport (Mr. Warburton) actually insists, that it is no question for us, here, to determine whether the asserted grievances of the Canadians be real or fictitious; he maintains that the only question is, whether they be matters which have been construed into grievances by the people of Canada; the meaning of which is, that it is not for this House to entertain questions of asserted grievances on the part of the people of Canada, or to devise such measures as may be necessary for their redress, or to adopt a system of policy that shall be acceptable to the wants, the wishes, or the feelings of the Canadians; but that it is for a particular party in the province of Lower Canada to assume to itself the cognisance of all these matters, and to give direction and excitement to the passions of the community in accordance with their own views on these subjects. Sir, I have never given my sanction to any principles of this kind. Neither do I think that the people of this country at large will ever give their sanction to the doctrines which the Honourable Member for Westminster has laid down, in favour of a course of headlong revolution. I do hope, nay, I trust, that her Majesty's Ministers, will treat with scorn and contempt any proposition for unworthy compromises, involving those great principles with which the loyalty of the people of this empire is intimately bound up. No, Sir; I am sure that the country will rather support the dignity of the Crown, and maintain its present connection with the colonies. When the Canadian insurgents shall have laid down their arms, — when they shall have returned to peaceful allegiance, — then, and not till then, can they pretend to talk of the redress of grievances; then, and not till then, can we pay any regard to the suggestion of what is called the peaceful separation of the colony from the mother country.

But the Honourable Member for Bridport has further said, that he wonders that the Whigs should be those who adopt this course, on the present occasion, of vindicating the authority of the Crown of Great Britain over a revolted colony, "because," he says, "they are the successors of those who took so different a part upon the great question of that colonial separation which terminated in the American war;" and he has quoted the authority of Mr. Burke to justify the policy so adopted by their predecessors. Now there is nothing wonderful in that; but I, for one believe, that if Mr. Burke were now alive, and sitting on those benches opposite, he would take the same steps which, we have reason to hope, the Noble Lord (J. Russell) will take upon the present occasion, in vindicating the authority of the Crown and of Parliament, and restoring tranquillity to this unhappy province. I must add, that I do not participate in one view of that Honourable Gentleman, namely, that which he has on this matter taken, in common with others who for the last three or four years have expressed their warm solicitude for the success of British soldiers, and the honour of the British flag, engaged elsewhere, and yet do not hesitate to say, on the present occasion, that they will be pleased to hear that the arms of the young Victoria, the Queen of Great Britain, have been defeated, in one of her own colonies.

[Loud cries of "Hear, hear!"]

Yes, Sir, there is, indeed, an amazing contrast, sufficient to awaken that cheer, between the language which was held by these very individuals in another case; namely, that of the employment of the British troops in Spain, on an occasion, when they were forced to fall back before a foreign force, and when Gentlemen opposite were loud in their expressions of eager anxiety for the success of the British standard; and their language now, when the conflict is not for the triumph of a faction in a foreign and independent state, but for the preservation of a colony to the imperial Crown of Great Britain. It is of this latter struggle they have presumed to say, that it will gratify them to learn that her Majesty's arms have been defeated, and that a portion of her Majesty's subjects have accomplished a successful rebellion to her power! I will not now enter into any discussion, however, upon that question. It is sufficient to observe, that, with regard to Spain, they declared their fervent hope to be, that, however unjust might be the cause in which British arms were employed, those arms might never experience defeat;—and yet that now, when the cause in which British arms are engaged is a just and righteous one, and when the scene of conflict lies in one of our own colonies, their aspirations are for the triumph of the rebellious party. Any observations which I might desire to offer upon the merits of the great question which is involved in that immediately before us, I postpone, because I agree that the better opportunity for submitting them will be when the Noble Lord shall again call Parliament together.

LORD J. RUSSELL.—I think that the Honourable Baronet the Member for the University of Oxford (Sir Robert Inglis) can hardly have been in his place when I originally made my statement to the House. For the information of the Honourable Baronet, and of others who may not have been present, I will recal to the recollection of the House what I did originally state, and the actual circumstances of the case. We were about to move the adjournment of the House from to-morrow to the 1st of February, and no complaint was made against such a course. The House was quite ready to leave to the Government the responsibility and the arrangements as to the administration of the affairs of Canada, as well as of the other parts of the empire. I did, under these circumstances, without any suggestion, come forward with the proposition that the House should adjourn to the 16th of January instead of the 1st of February,—not on the ground that it was necessary to take any measures adapted for any immediate emergency, or that the Government thought that Parliament need take any steps to promote the honour of the Crown and the maintenance of the colony; but what I did state was, that I thought, from the uncertain intelligence which was arriving, week by week, and on account of some important information which we had already received, it was not parliamentary, nor was it according to the constitution of the country, that Parliament should separate, for so long a period as five weeks, without some expression of concurrence, on the part of the House, in the course of policy which the Government had thought it its duty to pursue. On this ground alone it was that I stated my intention of moving a shorter adjournment; and I think, if I had made it still shorter,—if I had moved only for an adjournment of one week, without immediate and sufficient necessity, I should have run the risk of not obtaining so full an attendance of Members as was requisite to ascertain the fair opinion of the House with respect to the policy which has been pursued in Canada. I should have had little to add to these few observations, had it not been for the spirit that has sprung up in the course of the debate; but I think it is necessary that I should express my opinion on the tone and manner that have been exhibited in some of the speeches which have been delivered this night. I trust my Honourable Friends will be satisfied with this explanation, and see that we should be neglectful of our duty as Ministers of the Crown, did we not animadvert on such language as I have heard, with astonishment, in some of the speeches to which I allude. I do not find fault with the philosophic view which the Honourable Member for Bridport has taken of the subject, when he says that, if you have a distant colony in which complaints exist, it is no matter or consequence whatever whether or not the complaints of your colonists,—the Canadians, for example,—are unfounded and unjust; whether the notions of their rights entertained by those colonists be well founded or not,—no matter from what part of the colony those complaints proceed; but, in any such case, you ought to effect a separation between the colony and the parent state on amicable terms. I know not, as has already been said by another Honourable Member, if I were willing to discuss that philosophical argument, whither it would lead me. I know not to what parts of this empire such a doctrine, if allowed to prevail, might not, at some period of our history, have applied. I know not whether, if my Honourable Friend had lived at the time of the accession of the House of Hanover to the throne of these realms, he would have said, Scotland being at that time unfriendly to the Hanoverian succession, that, as the people of Scotland wished to have a Sovereign of another race, their desire ought to be gratified, and that the union between the two countries ought to be immediately repealed.

[Laughter and cheers.]

I do think that, if we were to discuss this question as a mere abstract proposition, it would be found to stand, indeed, as to the feeling of Scotland, with regard to the succession of the House of Hanover, on very plausible *data*; but could it have been gravely said that Scotland would be justified on such a ground in calling for a separation or dissolution of the union with this country? If such a doctrine were to avail, it would be totally irreconcileable with the dominion of a great empire,—inconsistent, and utterly at variance with our position among the nations of the world,—and, as I believe, in the end, totally destructive of all social order and happiness.

But, supposing we were to give way to this theoretical and extreme proposition of my Honourable Friend, does he really believe that, after the statements which we have heard to-night in this House, we should get rid of, as he says we should do, the bad feelings which would be engendered by civil war, and the disaffection and discontent which at present, to a certain extent, unhappily prevail in Canada? Does my Honourable Friend believe, after the speeches which he has heard this night, — does he really believe that those bad feelings will be got rid of by the adoption of such a course? Has he not heard enough to demonstrate to him, that if her Majesty's Ministers should be ill-advised enough to pursue such a line of policy, a large portion of her Majesty's subjects in Lower Canada would be doomed to wade through the horrors of instant proscriptions, that they would be subjected to the loss of their property, and would be in danger of their lives. And shall it then be said, that Government should abandon them at once to the mercy of their enemies? Shall it be said, that we must abandon them all to the tender mercies of a new republic, in what was, heretofore, British America?

Has the House not heard—not, indeed, from a Canadian—not from one of French descent; and therefore less likely to sympathise with natives of this country, but from a Member of this House — a degree of satisfaction expressed at the desertion of British troops, and a hope avowed that they will fail in their allegiance to those colours to which I hope they will always be attached? Have not we seen, on the part of a Member of this House, a sort of gloating over the confiscation of public and private property in Canada, at the violation of compacts entered into, and solemnly recognised by Acts of the British Parliament,—property the settlement of which was sanctioned by that Parliament, and secured to British settlers with all the formalities of the law, acquired, as it was, by the outlay of their own means, in the purchase of these lands in the distant territory of the Canadas? Have we not witnessed a sort of delight expressed at the prospect of these lands being confiscated, and those persons driven penniless from their homes, — and this by a member of a British House of Commons? If I were to comply with the pacific proposition of my Honourable Friend the Member for Bridport, does my Honourable Friend expect that tranquillity would be restored in Lower Canada, and that protection could be afforded by the Government to all classes of her Majesty's subjects in that country? I must remind him that Government would not be acting a part which becomes the Ministers of the British Crown if we were thus to sacrifice the interests of British settlers and subjects by withdrawing our protection from their lives and their property; and my Honourable Friend must know, that those who are foremost in this struggle against the lawful authority of the Crown have always been actuated by the most deadly animosity against British subjects living in the same country as themselves. I do not believe, from the information which has reached me, that the parties engaged in upholding the cause of rebellion are so much influenced by an abstract love for particular form of constitution, as by those violent feelings which have grown out of and survived former feuds, and which they think they shall be more likely to gratify during the confusion of civil broils, than while the country remains under the ordinary and legitimate form of government. But, then, we are told, as we often have been told, that the course which the Government has pursued is precisely that which this country has followed with respect to America. The Honourable Member for London (Mr. Grote) has said that the cases are exactly alike, and has maintained that there is not, as the Honourable Member for Newark, who spoke with so much ability to-night, has contended, a great similarity between them. I must say, that I agree with the Honourable Member for Newark in thinking that these contests are dissimilar in their origin, as, too, I trust they will be in their result.

With respect to America, the first Act of the British Parliament was passed, not in consequence of the refusal of the American Legislature to pay their contribution towards the expenses of their own internal government, for they had made large contributions for that purpose, but it was an Act granting and applying certain stamp-duties, to be raised in the British colonies in North America, towards defraying the expenses of protecting the same. It was argued by Lord Chatham and by others who took the part of the Americans in Parliament, that we had no right to tax those American settlements for that purpose without their own consent. I will not go through the respective aspects of these contests, but it is sufficient to say, that while Lord Chatham complained of this conduct on the part of the mother country as an aggressive act, he at the same time declared that this country had supreme legislative power over her colonies in North America. But has this been the course of things in our Canadian affairs? In the year 1791 a constitution was given to Lower Canada, and settled by Act of Parliament. There was a governor, an executive council, a legislative council, the members of which were appointed for life, and an assembly elected by the people. So little was this country inclined to interfere with the privileges of that assembly, that when the latter complained that by our contributing towards the support of the local Government we diminished the control which the House of Assembly had a right to exercise over that Government, we discontinued our contributions, and gave them the whole power over the finances of their Government. In the course, however, of events in the history of Canada, the connection between the two Houses of their domestic Legislature became disturbed, and complaints arose on the part of the Canadian Assembly that many persons were elected as members of the Legislative Council who were known to be hostile to the Assembly, and that, therefore, they would not act in harmony with the other House, and so did not agree to many useful Bills. Now, with regard to that complaint, the British Government have never said that the Legislative Council shall have the power of stopping the course of useful legislation in Canada. On the contrary, the constitution of that body has been so much improved, that the Government have had reason to expect that the two Houses might act together in concert. This country never pretended to tax the Canadas for British objects, nor were the funds raised in the province applied for other than Canadian purposes. But what the Assembly insist on is, that the Legislative Council should be made elective. That is one of their demands; but they also make another of a most questionable character, which is, that the members of the Executive Council shall be placed on the same footing as the members of the Administration in this country; and that they shall be removable when they no longer possess the confidence of the Assembly. These two demands form, together, a demand of absolute independence. Such a demand I, at least, understand it to be. It is not a demand for the removal of a grievance, but it is a demand to have a constitution which must be to all intents and purposes an independent constitution, because it is impossible that the Ministers of the Government in Canada should be removable at the pleasure of the Assembly, and yet be able to act at the same time upon orders which they receive from the Queen's Government at home. When, therefore, this extreme demand of theirs to become an independent state was refused, they, on their part, refused the supplies to the Government of the Crown, and stopped the whole machine of that Government. What this country then proposed was, to take means to set the machine in motion again. In this there was no act of oppression upon our part; it was not a measure of finance, but a measure of defence. It was a defensive position which we took up, in order that the provincial Administration, with its machinery, might not be entirely stopped, but be carried on by some means or other. But that the Government had conceded these demands I am by no means prepared to say, for I do not know that even by those means we should have secured tranquillity. Suppose the Legislative Council to have been elective, and a Bill to have been introduced into the Legislative Assembly for preventing British troops from entering Quebec or Montreal, and such Bill to have been agreed to by a council so constituted. What remedy would remain in that case? The Governor, indeed, might have rejected it, but then he would have been obliged to dismiss his Ministers, and then the Assembly would have refused the supplies. The difference, therefore, between the two countries would still have existed, with this distinction,—that in the case supposed, it would have rested on the question of the exclusion of British troops from Quebec and Montreal, instead of arising out of our refusal to make the Legislative Council elective, and the Executive Council of the local Government like our own Cabinet. The House of Assembly and the Council would have refused the supplies in that case, as they actually have done, and thus the machinery of government must necessarily have been stopped until the demands of the Assembly had been complied with. I will maintain, therefore, that there are no features of resemblance between the former contest with North America, which has been insisted on so much, and the present contest with Canada, except that the former was carried on against certain of our colonies in North America, and this is also a contest with an American colony belonging to Great Britain. I do not like to deal in confident predictions. I did not predict that the question would be settled by the resolutions passed by Parliament in the early part of the year. I certainly said, that I did hope that the opinion of this House would have a great moral weight with the people of Lower Canada. I must, however, say, with regard to this contest, that although I will not make any confident predictions, I have no serious apprehensions of the result. At the same time I am bound to say, that I do not look forward — I think that no man ought to look forward — to the maintenance of British authority and British dominion contrary to the express wishes of the Canadian people. Still, however, I do not think that the people of Canada are at heart indisposed to the British Crown. My belief is, that the resistance which has been made in this case has been artificially promoted. My belief is, that if by fair means that resistance can be put an end to, then there is no reason why the affairs of Canada should not be conducted in accordance with the interests of the Canadian people; and I see no reason why, that people being lightly taxed, and suffering no grievance in the administration of the law, they should not remain, after this agitation shall have subsided, under British dominion and subject to the Crown of Great Britain. I do not, therefore, look to any early separation between this country and Canada, notwithstanding all that has passed during the last three years. I know not how far the principle of separation laid down by my Honourable Friend the Member for Bridport might be pushed if temporary difficulties of a similar nature to those which are distracting Canada were to arise in Nova Scotia, New Brunswick, and our other North American colonies. If those colonies should ever be desirous of erecting themselves into sovereign states, I am not sure that hostile powers, who might aim at clipping our strength and impairing our dominion, would be deterred from aggression by a submissive attitude. Allusion has been made to the possible interference of hostile powers in this contest, and it has even been suggested that the demands made are likely to lead to such an interference. For my part, I cannot say that that argument makes any impression on me. It is not very possible to say whether this contest may not assume a shape at present unforeseen by me, and whether foreign powers may not engage in it. But of this I am sure, that if we take a timid and pusillanimous tone — if you are content to sacrifice those who naturally and properly look up to you for protection — if you give up the interests of British subjects, who have always been steady and loyal to their allegiance, and withdraw our troops, so that they must be overpowered — if you follow so weak and cowardly a course, and take up so base an attitude, then, not only shall we invite the aggressions of foreign powers, but we shall give them all occasion to say, "Here is this great British nation, which was once so mighty in war, so flourishing in times of peace, — she is forced to yield in a contest with her own subjects in one of her own colonies; only try her, and it is clear that she will yield to the first foe who shall demand strongly. — And here," they will add, "is this sun, which once shone with such brightness and beauty, now setting in darkness and in clouds."

We should, indeed, embark in a course hostile to the peace, degrading to the character, and fatal to the greatness and independence of the British nation, if we were to give way to the timid and the fatal counsels of the Honourable Baronet the Member for Leeds and the Honourable Member for Kilkenny, who look to submission on the one side and to impunity on the other — who look to means of unworthy compliance rather than to the achievement of victory as the result to be desired on the part of this great nation in this conflict. I must say, I have listened with the utmost surprise and pain, to-night, to the language which I have heard from those Honourable Gentlemen, and from one or two other Honourable Members. Were those suggestions to be acted on (of which, however, I am not one who entertain the slightest fear), the consequences would be far more fatal to this empire than any which can be anticipated, in any case, from entering with vigour and with firmness on a just quarrel. The discontent existing in Canada, ungrounded in facts, as I believe it is, may be overcharged, or it may not be so. But if you quench the spirit which has hitherto animated the energies of this country — if you choose to be accomplices in the work of your own downfal and its irretrievable degradation,—then I warn you that you will neither save Cacient information has not yet been received to enable us to estimate the extent to which the flame of rebellion has spread, we have, still, sufficient knowledge upon the subject to convince us that all the care and attention of the Government will be required to meet the difficulty in which the country and the colony are involved. I should be pleased, indeed, to find that the rebellion had not reached the height which many Gentlemen seemed to anticipate, because it might give time to the Government to retrace, and perhaps retrieve, its policy. I say, I shall rejoice if it shall appear, by further information, that the accounts we have received from Canada are exaggerated as to the extent of the existing evils; and, if so, I would implore the House to let what has passed serve as a warning for the future, and instead of indulging, at all times, when the rights and interests of the colony are discussed, in a tone of triumph at the superior power of England, to allow a little space for conciliation and justice, and to deal with the Canadians as they would with men who, though freemen like themselves, are still desirous of remaining, if they can do so with honour, in connection with England as their mother country.

SIR R. H. INGLIS.—Having heard the speech of the Honourable Member for Bridport, and looking at the appearance of the House, with its half-empty benches, one would suppose that we were discussing some Bill for the regulation of weights and measures, or something of a most uninteresting character, rather than a rebellion in a colony which is one of the brightest jewels in the British Crown. This indifference is most striking, and, to me, most unaccountable, considering the magnitude and importance of the question. If the statements which have been received respecting Canada are correct, the Government ought not to delay the consideration of the subject a single moment; and, instead of adjourning for a fortnight, they ought, before the next twenty-four hours have elapsed, to attempt to bring it to something like a satisfactory settlement. A great colony is said to be in a state of open rebellion; therefore the Government have great and urgent duties to perform, and they ought not to suffer the House to separate for so long a period as three weeks, when matters so urgent are pressing upon us for consideration; and I do hope, as the question of adjournment has not yet been formally put, that the Noble Lord (Lord J. Russell) will pause before he proposes so long a recess. I do not know whether it was my misfortune or my good fortune not to have heard all the speeches which have been made in the course of this debate, but I did hear the Honourable Member for Westminster call on Honourable Gentlemen on the Opposition side of the House to answer a sneer which he thought proper to address to them, as if they coveted an unjust war for the sake of crushing a free people. There is nothing in the conduct of the Honourable Gentlemen with whom I act to justify the Honourable Member in saying that they underrate the horrors of war under any circumstances, or that they would advocate a cause which was unjust, either in public or private, in war or in peace. I am perfectly certain, that it would require eloquence and arguments far different to those of the Honourable Member to convince the people of England that we are what he is pleased to describe us to be. The Honourable Member for Bridport, at a time when it is said that the cannons are roaring on the other side of the Atlantic, talks of an amicable settlement. Is this the time for an amicable settlement? Is it not, rather, a time for giving protection to those who are attached to the British Government? Not that I undervalue an amicable settlement, or think it utterly impossible; for I trust that Canada will be reduced to that subjection which is desirable and necessary before anything in the way of a settlement can be satisfactorily effected. It is in Canada as in Ireland; in the one country a certain set of men call themselves Canadians, and in the other a certain party call themselves Irishmen. Those men to whom I allude talk as if none but those of their own—I will not say faction, but—party—were entitled to the rights and feelings of Irishmen. So it is with the party in Canada. Only those who belong to a faction are regarded as having any rights at all. At the least, there is one fourth of British blood in Canada, and of the other three fourths a very large portion of the people are in favour of the British Government.

The Honourable Member for Bridport has made a kind of philosophical speech, which was calm enough in its tone, but into which he introduced doctrines the very reverse of calm, and which, I must say, appeared to me very inconsistent with other passages of his own speech. For instance: in one part he talked of the justice of the cause of the colonists, and in another, of the popular will being the only good; and he contended that, because a majority held certain opinions, and claimed certain rights, they ought to be conceded. The question is not, with the Honourable Gentlemen, whether they are well founded, but simply whether the majority adhere to them. Now, I deny any abstract rights in any man, or any body of men. I contend that the Canadian people have certain rights emanating from a specific constitution, awarded to them by the competent power. To those rights, in their fullest extent, they may justly lay claim; but any attempt to demand beyond those rights, is to be considered as rebellion, and ought not to gain that sympathy from Honourable Members opposite, which, I need hardly say how far, has provoked the present state of things. But of this I am certain, that the best chance of bringing back the colonists to subordination, is a manifestation in this House to support, I will not say the rights and honour of the Crown merely, but the loyalty of the better part of the population, and their peace and independence, which are threatened as much by the success of the present rebellious party as they would be if conquered by a foreign power. Does anybody suppose that, if that party should succeed in revolutionising that country, it can remain independent? Would not America absolve it for the purpose of gaining it? Or would they not be compelled to turn to America? I hope her Majesty's Ministers will not delay the consideration of this important question; but that, as early as possible, they will call the whole of the Members of this House together to investigate so important a subject, and that the Noble Lord will reconsider the announcement he has made.

CAPTAIN PECHELL. — I must also join in deprecating the tone and manner in which this discussion has been carried on; and I must especially express my dissent from the observations of the Honourable Gentlemen the Members for Leeds and for Westminster, relative to the probability that Nova Scotia and New Brunswick would be found making common cause with Canada; and to the desertion which is likely to take place from the ranks of the British army, in case of open hostilities. Sir, I believe that no greater misfortune could happen to the people of Nova Scotia and New Brunswick, than a separation from the mother country. Those colonies are in precisely the same situation now, as was the province of Canada during the late war with the United States. The Canadas might then have easily joined those States; but the advantage of British connection was appreciated, and they refused to do so: and the same reason which restrained the Canadians then, would actuate the inhabitants of Nova Scotia and New Brunswick at the present day. And, with respect to desertions, I believe that, previous to the breaking out of the present disturbances, some few instances of desertion did take place, owing to the great advantages which were offered to our soldiers in the United States: but I know well that, now their assistance is actually needed, the fallacies of such promises will be seen through, and the British soldier will not be induced to desert his colours. Whatever may be the ultimate decision of the House upon this discussion, I hope that the Noble Lord at the head of the Home Department will not take the advice of the Honourable Baronet, the Member for the University of Oxford, with reference to the length of the adjournment of the House, for I believe that a shorter adjournment than to the 1st of February will be most distasteful to many Honourable Members who are now absent. I therefore hope, rather, that the Noble Lord will withdraw from the intention he has expressed, and thus give the House an opportunity of showing its confidence in the Government.

Mr. MACLEAN. — Though, perhaps, it may be distasteful to many Honourable Members on both sides of the House that it should meet earlier than the 1st of February, as originally proposed, still, from the deep importance of this subject, — a subject not very appropriately, I think, offered to the consideration of the House at this moment,—I am prepared to accede to the views of the Honourable Baronet, the Member for the University of Oxford, as conveyed in the suggestion he has made. I am of opinion that Parliament should, without any loss of time, take into its careful and most serious consideration the present condition of Lower Canada, the rebellious position of which renders it necessary to have the opinion of the Legislature of this country; and the earlier the Parliament proceeds to the discharge of this important and imperative duty, the better it will be both for the character of the mother country and the best interests of the colony. I cannot avoid alluding to some of the points of the speech which has been delivered by the Honourable Member for Bridport, — a speech remarkable for the singular discrepancies between the doctrine preached by the Honourable Member, and the conduct hitherto pursued in the House with regard to Canada. The doctrine of the Honourable Member for Bridport is, that it signifies nothing what has been the language, what the course of conduct,—no matter how rebellious or treasonable soever,—nay, it matters not to the Honourable Member if the subjects of the Queen are in a state of overt treason, of open rebellion; the Honourable Member says, that the first thing to be done is to attend to their complaints. Now, I beg to ask whether Canada is a colony of this country, or is she an independent nation? Why, if the Honourable Member for Bridport push his argument but a few steps further, every colony might take precisely the same ground as Canada; and, when the British Legislature, or the Crown under which such colony was by conquest placed, declared that that colony was wrong in the course it was pursuing, might say, that the course it had so taken was right, in virtue of its being supported by the majority of the people of that particular colony. Nay, the same doctrine might be brought even nearer home. Might it not equally be applied to another portion of her Majesty's dominions, separated from Great Britain only by the sea, as, indeed, is Canada; and then would the Honourable Member for Bridport declare that, however treasonable the language used, however rebellious the feeling manifested, still these were to be justified by the fact of their accordance with the views of the majority of the people? It is admitted that the Canadas are, both of them, colonies of this country, and have established in them two independent legislatures; but, at the same time, those legislatures invariably confer with the mother country upon any course that is thought important to be pursued with reference to the government or interests of those colonies. The resolutions at present before me show that it was the intention of Canada, acting on the principle of her constitution, to submit her grievances to the consideration of Parliament here; and, if so, surely Canada was bound by the course the British Parliament might think fit to adopt.

AN HONOURABLE MEMBER. — Oh, oh!

Mr. MACLEAN. — The Honourable Gentleman may cry "Oh!" but I would be glad if the Honourable Gentleman, whoever he may be, will tell me what becomes of the doctrine that the majority should always take the lead, when, on the colony, submitting—as it did—its interests to the consideration of the Legislature of Great Britain, and on a majority of that Legislature refusing its sanction to the measures proposed by the colonists; the latter refuse to adopt such decision,—what becomes of the argument, that we must act in conformity with the views of that majority? Why, the Canadians have themselves negatived that doctrine. They represented either real or supposed grievances to the Legislature of this country; those real or supposed grievances received the solemn deliberation of the House of Commons; and is it to be said that when Parliament, by a large and overwhelming majority, passed the resolutions now before me, and sent them out to the Canadian Legislature, those resolutions, so adopted, were to be met with an address which, according even to the Honourable Member for Leeds, was couched in a most insulting tone towards the mother country? Why, if one course was more adapted than another to blow the flame of civil war in the Canadas, it was the course taken on the occasion to which I refer, by the House of Assembly, with their Speaker at their head. And when the Earl of Gosford thought it his duty to make a proclamation in the name of her Majesty, is this House to be told by Honourable Members who are here the advocates of that course of proceeding, which may or may not be treasonable, that it was justifiable in some of the magistracy to be part and parcel of a meeting who tore down the Queen's proclamation, and treated it with insult? That meeting was held for the purpose of setting at defiance her Majesty's authority, and when those gentlemen were most properly dismissed from the commission of the peace for thus contemning the royal authority, did not the people appoint justices of their own, and, under a solemn agreement, bind themselves to pay no obedience to the law or the courts of the country? Is the House, then, under such circumstances, to be told that when the Governor General saw these events passing before his eyes,—that when his authority was set at defiance, his whole jurisdiction abolished, — he was to be blamed for taking those steps which were necessary to discharge his duty to his country, and prove his loyalty to his sovereign? Is it just to designate him as the man who has blown the flame of civil war, and driven the Canadian people against the Government of the mother country? I should like Honourable Gentlemen opposite to say what course they would have recommended Lord Gosford, under such circumstances, to adopt. I should be glad to hear from them what they, in their wisdom, would have done, if placed in the same position as that in which the Noble Earl stood? I will say, that if the Noble Earl, instead of pursuing the course he has done, had truckled to the parties engaged in these rebellious acts, he would have ceded the Queen's rights; and, in my opinion, would have been a traitor to his country and his Queen, and would have been justly taunted, when he returned home, with arrant cowardice, for failing to discharge the high and important functions with which his Sovereign had invested him.

I do not stand up either to vindicate or to discuss the nature of Lord Gosford's mission; but I will say, looking at all the facts before the House, that it appears to me somewhat curious to charge the Noble Earl with an abandonment of duty, when he has actually been forced into the severe exercise of the powers with which he was invested, by the unfair promulgation of doctrines which militated against the authority of the Crown. The Canadians have been told, by some Honourable Gentlemen in communication with them, that the time was coming when the baleful domination of this country over the colonies would cease. Now, nothing can be more calculated to excite the colonists, and to lead them to suppose that the people of England were favourable to the views of M. Papineau's party, than the language used in the correspondence and communications to which I allude. When it was understood that her Majesty's Government intended to call Parliament together for the purpose of discussing this subject, I had hoped that the angry topics which have been launched tonight, and urged upon the attention of the country, would have been avoided. I regret that some Honourable Members opposite should have thought it right to declare their wish, that whatever course this question might take, if it came to blows, and her Majesty's troops were brought into collision with those parties engaged in the rebellion, — her Majesty's arms might be defeated. I cannot but enter my protest against such language being uttered, especially by Honourable Members of the station and rank of those to whom I advert; and I trust that the wishes of the majority of the House will be, however painful it is to contemplate a collision of the nature all must deprecate (namely, between those who defy the authority of the Crown, and those sent to support and relieve the difficulties of the Governor General), that if any such collision do take place, her Majesty's troops may be successful. I also extremely regret that, in this discussion, Honourable Gentlemen opposite should have dealt in expressions derogatory to individuals placed in authority in Canada. Of Colonel Arthur I know nothing; but with regard to the gallant officer now in the command of the troops serving in that colony, and armed with a most delicate and important commission, I will say that the language applied to that gallant officer by the Honourable Member for Kilkenny was not in the most remote degree warranted by anything that is known of him. I speak of him as the son of an old officer, when I state that Sir John Colborne is a man highly esteemed in the profession of which he is an ornament, and has discharged many most important services to the country. Sir John Colborne has been spoken of as a firebrand sent from one province to another, and as unlikely to extinguish civil war; but I am sure I speak the voice of the whole military profession, when I declare that Sir John Colborne does not deserve the imputations which have been cast upon him. I cannot but deprecate the unseasonableness of the present discussion, which I think is calculated to give a false colouring to the events which have happened, and a false direction to those which are about to follow.

SIR C. B. VERE. — I must say, that the aspersions which have been thrown out against Sir John Colborne by Honourable Gentlemen opposite were extremely improper, and ought not to have been indulged in. I can bear testimony to the great claims of Sir John Colborne to that respect and esteem which he has acquired among his brother officers. I believe that the character of no officer in the public service stands higher, nor is there one better qualified to have trust reposed in him. He is a friend whom I have not seen for years; but I may safely say, that every Minister with whom he has had communication, in the situation in which he has been placed, whether of the one political party or the other, has been perfectly satisfied with the manner in which that gallant officer has discharged his duty.

Mr. J. ELLIS. — I conceive that with a subject of so important and pressing a nature as that which is involved in the present discussion, it is incumbent upon the House to adjourn over for the shortest possible period. The Noble Lord admits that the reports from Canada, which have been published, are credible, and that he believes they cannot be questioned; yet the Noble Lord has proposed an adjournment of three weeks. Now, when I consider the nature of the sentiments which have been this night expressed, — when I consider that the present debate will be a long way on its road to Canada before the three weeks will have expired, and before any counteraction can be given to these sentiments, — and when the House remembers that Lower Canada is on the very verge of insurrection, and that the flames of rebellion are ready to break forth there, — I trust that Honourable Members will press upon the Noble Lord the necessity of fixing an earlier day than the 16th of January for the re-assembling of Parliament. I must, at the same time, express my astonishment that the Honourable Gentleman the Member for Westminster, so soon after the news of a collision between the British troops and the insurgents had reached England, should come down to this House and deliver a speech, — I will not say tainted, but at any rate—completely pregnant, with gratulation, in which he did not even point out any means of effecting an amicable separation, but suggested the manner in which the colony might resist the connection with, and shake off the authority of, the mother country. I did not expect to hear the Honourable Member say that the measures of the Government would fail in putting down the disturbances which exist in Lower Canada, and that the measures taken by the Canadians for resisting the authority of this country were well taken and would be successful — I did not expect that the Honourable Member would have improved upon the policy which the Canadians are pursuing in recommending that all commercial intercourse between the two countries should cease. I must equally deprecate the language used by the Honourable Member for Kilkenny. I do hope that the debate will be resumed at an early period, and that the language which may then be held will be more in accordance with that of the Noble Lord's (J. Russell), in his opening speech, than, I am sorry to say, much of that which I have heard uttered this evening.

Mr. HINDLEY. — Sir, if there be any one part of my public conduct, any one vote that I have ever given in this House, with which I am better satisfied than another, it is the vote I gave last Session, on the Noble Lord's resolutions regarding Canada. I confess I cannot concur in the propriety of the shortness of the adjournment; for I am convinced that it will prove to be a most serious practical inconvenience to call back those Honourable Members who have been long in town, assiduously engaged in the discharge of parliamentary duties, earlier than the 1st of February. With respect to the question now under discussion, I would say, that all I wish or desire is, that Government should take conciliatory steps towards the adjustment of Canadian differences. I deprecate, exceedingly, the tone and temper of the clever and vehement speech of my Honourable Friend, the Member for Westminster (Mr. Leader); but I hope that the expressions of which I complain will not influence the feelings of the Canadian people, nor prevent her Majesty's Ministers from pursuing that conciliatory course which may long preserve Canada as a colony of the British Crown. But should the chance be even probable that Canada will become a separate state, still, I say, let us treat her whilst she is ours with the same kindness, the same good feeling, the same justice, and the same generosity with which all our other possessions and colonies are treated by the parent state. I, for one, in such a case, should be extremely glad that we were thus enabled to get rid of an expensive colony, on the ground of advantage both to it and to the mother country. But, in this alternative of parting with it, let us, at least, part on the best of terms, and make the necessary arrangements for rendering Canada a prosperous and independent state.

Mr. BORTHWICK. — I should not have trespassed on the patience of the House at all, on the present occasion, had it not been for the speech which we have just heard from the Honourable Member for Ashton (Mr. Hindley). That speech presented a very extraordinary contrast, indeed, with some which preceded it. I must concur with the Honourable Gentleman who last addressed the House in deprecating the language resorted to, especially by the Honourable Member for Kilkenny (Mr. Hume) and the Honourable Baronet the Member for Leeds (Sir W. Molesworth); the one of whom, in place of measures of conciliation, actually invoked the thunders of the rebels' cannon, whilst the other has recorded wishes which actually amount to curses upon the cause for which the standard of his country is unfurled in the Canadian territory. The Honourable Member for Westminster (Mr. Leader) has expressed his cordial approbation of proceedings which amount to all but absolute rebellion. I should be sorry to put faith in all the shadowy rumours which have reached this country, of late, from Canada, touching the state of feelings and opinions which exists throughout that vast country, but especially upon its frontiers. This, however, I must say, — that expression, has been given, to-night, to principles of the most dangerous description that could agitate men's minds, either in Canada or in the mother country itself. For what was the language of the Honourable Baronet the Member for Leeds, but that of hearty and powerful encouragement to the monstrous insurrection of the British Canadian colonists? I have heard, in this British House of Commons, epithets of approbation and sympathy lavished on a struggle in which revolted colonists are arrayed with artillery, and all the appliances of war, against the troops of our gracious Sovereign. But the Honourable Member for Bridport (Mr. Warburton) actually insists, that it is no question for us, here, to determine whether the asserted grievances of the Canadians be real or fictitious; he maintains that the only question is, whether they be matters which have been construed into grievances by the people of Canada; the meaning of which is, that it is not for this House to entertain questions of asserted grievances on the part of the people of Canada, or to devise such measures as may be necessary for their redress, or to adopt a system of policy that shall be acceptable to the wants, the wishes, or the feelings of the Canadians; but that it is for a particular party in the province of Lower Canada to assume to itself the cognisance of all these matters, and to give direction and excitement to the passions of the community in accordance with their own views on these subjects. Sir, I have never given my sanction to any principles of this kind. Neither do I think that the people of this country at large will ever give their sanction to the doctrines which the Honourable Member for Westminster has laid down, in favour of a course of headlong revolution. I do hope, nay, I trust, that her Majesty's Ministers, will treat with scorn and contempt any proposition for unworthy compromises, involving those great principles with which the loyalty of the people of this empire is intimately bound up. No, Sir; I am sure that the country will rather support the dignity of the Crown, and maintain its present connection with the colonies. When the Canadian insurgents shall have laid down their arms, — when they shall have returned to peaceful allegiance, — then, and not till then, can they pretend to talk of the redress of grievances; then, and not till then, can we pay any regard to the suggestion of what is called the peaceful separation of the colony from the mother country.

But the Honourable Member for Bridport has further said, that he wonders that the Whigs should be those who adopt this course, on the present occasion, of vindicating the authority of the Crown of Great Britain over a revolted colony, "because," he says, "they are the successors of those who took so different a part upon the great question of that colonial separation which terminated in the American war;" and he has quoted the authority of Mr. Burke to justify the policy so adopted by their predecessors. Now there is nothing wonderful in that; but I, for one believe, that if Mr. Burke were now alive, and sitting on those benches opposite, he would take the same steps which, we have reason to hope, the Noble Lord (J. Russell) will take upon the present occasion, in vindicating the authority of the Crown and of Parliament, and restoring tranquillity to this unhappy province. I must add, that I do not participate in one view of that Honourable Gentleman, namely, that which he has on this matter taken, in common with others who for the last three or four years have expressed their warm solicitude for the success of British soldiers, and the honour of the British flag, engaged elsewhere, and yet do not hesitate to say, on the present occasion, that they will be pleased to hear that the arms of the young Victoria, the Queen of Great Britain, have been defeated, in one of her own colonies.

[Loud cries of "Hear, hear!"]

Yes, Sir, there is, indeed, an amazing contrast, sufficient to awaken that cheer, between the language which was held by these very individuals in another case; namely, that of the employment of the British troops in Spain, on an occasion, when they were forced to fall back before a foreign force, and when Gentlemen opposite were loud in their expressions of eager anxiety for the success of the British standard; and their language now, when the conflict is not for the triumph of a faction in a foreign and independent state, but for the preservation of a colony to the imperial Crown of Great Britain. It is of this latter struggle they have presumed to say, that it will gratify them to learn that her Majesty's arms have been defeated, and that a portion of her Majesty's subjects have accomplished a successful rebellion to her power! I will not now enter into any discussion, however, upon that question. It is sufficient to observe, that, with regard to Spain, they declared their fervent hope to be, that, however unjust might be the cause in which British arms were employed, those arms might never experience defeat;—and yet that now, when the cause in which British arms are engaged is a just and righteous one, and when the scene of conflict lies in one of our own colonies, their aspirations are for the triumph of the rebellious party. Any observations which I might desire to offer upon the merits of the great question which is involved in that immediately before us, I postpone, because I agree that the better opportunity for submitting them will be when the Noble Lord shall again call Parliament together.

LORD J. RUSSELL.—I think that the Honourable Baronet the Member for the University of Oxford (Sir Robert Inglis) can hardly have been in his place when I originally made my statement to the House. For the information of the Honourable Baronet, and of others who may not have been present, I will recal to the recollection of the House what I did originally state, and the actual circumstances of the case. We were about to move the adjournment of the House from to-morrow to the 1st of February, and no complaint was made against such a course. The House was quite ready to leave to the Government the responsibility and the arrangements as to the administration of the affairs of Canada, as well as of the other parts of the empire. I did, under these circumstances, without any suggestion, come forward with the proposition that the House should adjourn to the 16th of January instead of the 1st of February,—not on the ground that it was necessary to take any measures adapted for any immediate emergency, or that the Government thought that Parliament need take any steps to promote the honour of the Crown and the maintenance of the colony; but what I did state was, that I thought, from the uncertain intelligence which was arriving, week by week, and on account of some important information which we had already received, it was not parliamentary, nor was it according to the constitution of the country, that Parliament should separate, for so long a period as five weeks, without some expression of concurrence, on the part of the House, in the course of policy which the Government had thought it its duty to pursue. On this ground alone it was that I stated my intention of moving a shorter adjournment; and I think, if I had made it still shorter,—if I had moved only for an adjournment of one week, without immediate and sufficient necessity, I should have run the risk of not obtaining so full an attendance of Members as was requisite to ascertain the fair opinion of the House with respect to the policy which has been pursued in Canada. I should have had little to add to these few observations, had it not been for the spirit that has sprung up in the course of the debate; but I think it is necessary that I should express my opinion on the tone and manner that have been exhibited in some of the speeches which have been delivered this night. I trust my Honourable Friends will be satisfied with this explanation, and see that we should be neglectful of our duty as Ministers of the Crown, did we not animadvert on such language as I have heard, with astonishment, in some of the speeches to which I allude. I do not find fault with the philosophic view which the Honourable Member for Bridport has taken of the subject, when he says that, if you have a distant colony in which complaints exist, it is no matter or consequence whatever whether or not the complaints of your colonists,—the Canadians, for example,—are unfounded and unjust; whether the notions of their rights entertained by those colonists be well founded or not,—no matter from what part of the colony those complaints proceed; but, in any such case, you ought to effect a separation between the colony and the parent state on amicable terms. I know not, as has already been said by another Honourable Member, if I were willing to discuss that philosophical argument, whither it would lead me. I know not to what parts of this empire such a doctrine, if allowed to prevail, might not, at some period of our history, have applied. I know not whether, if my Honourable Friend had lived at the time of the accession of the House of Hanover to the throne of these realms, he would have said, Scotland being at that time unfriendly to the Hanoverian succession, that, as the people of Scotland wished to have a Sovereign of another race, their desire ought to be gratified, and that the union between the two countries ought to be immediately repealed.

[Laughter and cheers.]

I do think that, if we were to discuss this question as a mere abstract proposition, it would be found to stand, indeed, as to the feeling of Scotland, with regard to the succession of the House of Hanover, on very plausible *data ;* but could it have been gravely said that Scotland would be justified on such a ground in calling for a separation or dissolution of the union with this country? If such a doctrine were to avail, it would be totally irreconcileable with the dominion of a great empire,—inconsistent, and utterly at variance with our position among the nations of the world,—and, as I believe, in the end, totally destructive of all social order and happiness.

But, supposing we were to give way to this theoretical and extreme proposition of my Honourable Friend, does he really believe that, after the statements which we have heard to-night in this House, we should get rid of, as he says we should do, the bad feelings which would be engendered by civil war, and the disaffection and discontent which at present, to a certain extent, unhappily prevail in Canada? Does my Honourable Friend believe, after the speeches which he has heard this night, — does he really believe that those bad feelings will be got rid of by the adoption of such a course? Has he not heard enough to demonstrate to him, that if her Majesty's Ministers should be ill-advised enough to pursue such a line of policy, a large portion of her Majesty's subjects in Lower Canada would be doomed to wade through the horrors of instant proscriptions, that they would be subjected to the loss of their property, and would be in danger of their lives. And shall it then be said, that Government should abandon them at once to the mercy of their enemies? Shall it be said, that we must abandon them all to the tender mercies of a new republic, in what was, heretofore, British America?

Has the House not heard—not, indeed, from a Canadian—not from one of French descent, and therefore less likely to sympathise with natives of this country, but from a Member of this House — a degree of satisfaction expressed at the desertion of British troops, and a hope avowed that they will fail in their allegiance to those colours to which I hope they will always be attached? Have not we seen, on the part of a Member of this House, a sort of gloating over the confiscation of public and private property in Canada, at the violation of compacts entered into, and solemnly recognised by Acts of the British Parliament,—property the settlement of which was sanctioned by that Parliament, and secured to British settlers with all the formalities of the law, acquired, as it was, by the outlay of their own means, in the purchase of these lands in the distant territory of the Canadas? Have we not witnessed a sort of delight expressed at the prospect of these lands being confiscated, and those persons driven penniless from their homes, — and this by a member of a British House of Commons? If I were to comply with the pacific proposition of my Honourable Friend the Member for Bridport, does my Honourable Friend expect that tranquillity would be restored in Lower Canada, and that protection could be afforded by the Government to all classes of her Majesty's subjects in that country? I must remind him that Government would not be acting a part which becomes the Ministers of the British Crown if we were thus to sacrifice the interests of British settlers and subjects by withdrawing our protection from their lives and their property; and my Honourable Friend must know, that those who are foremost in this struggle against the lawful authority of the Crown have always been actuated by the most deadly animosity against British subjects living in the same country as themselves. I do not believe, from the information which has reached me, that the parties engaged in upholding the cause of rebellion are so much influenced by an abstract love for particular form of constitution, as by those violent feelings which have grown out of and survived former feuds, and which they think they shall be more likely to gratify during the confusion of civil broils, than while the country remains under the ordinary and legitimate form of government. But, then, we are told, as we often have been told, that the course which the Government has pursued is precisely that which this country has followed with respect to America. The Honourable Member for London (Mr. Grote) has said that the cases are exactly alike, and has maintained that there is not, as the Honourable Member for Newark, who spoke with so much ability to-night, has contended, a great similarity between them. I must say, that I agree with the Honourable Member for Newark in thinking that these contests are dissimilar in their origin, as, too, I trust they will be in their result.

With respect to America, the first Act of the British Parliament was passed, not in consequence of the refusal of the American Legislature to pay their contribution towards the expenses of their own internal government, for they had made large contributions for that purpose, but it was an Act granting and applying certain stamp-duties, to be raised in the British colonies in North America, to-

HOUSE OF COMMONS.

FINSBURY SMALL DEBTS BILL.

Mr. WAKLEY presented a Bill "for the more easy and speedy recovery of small debts within the borough of Finsbury, in the county of Middlesex." — Bill read a first time; to be read a second time.

MISCELLANEOUS PETITIONS.

The following petitions were severally presented; viz.: —

Scientific and Literary Societies, — By Mr. JOHN PARKER, — from Sheffield, for exempting from taxation all buildings occupied exclusively by scientific or literary societies.

Ballot, — Of the Chairman of a meeting at Sheffield, in favour.

Presbyterians' Oaths (Ireland) Bill, — From Ballymoney, in favour.

To lie on the Table.

RETURNS, &c.

The following Returns and Papers were severally presented; namely: —

Newspaper Stamps. — Return of stamps issued to newspapers, from the 1st of July to the 30th of November, 1837, (ordered 11th and 22d of December). — To lie on the Table, and to be printed.

Colonial and Australasian Banking Companies. — Copies of Charters granted to the Colonial and Australasian Banking Companies (Address 16th December). — To lie on the Table.

Australia. — Copy of Correspondence and documents, showing the progress of measures taken for the advancement of religion in Australia, (Address 13th December). — To lie on the Table, and to be printed.

Yeomanry Corps. — Return (presented 18th December) to be printed.

PATTERNS AND INVENTIONS BILL.

Mr. MACKINNON presented a Bill "for the better encouragement of the arts and manufactures, and securing to individuals the benefit of their inventions for a limited time." — Read a first time; to be read a second time on Wednesday, the 24th of January, and to be printed.

MESSAGE FROM THE LORDS,

That they have agreed to Prisoners (Ireland) Bill, Slave Compensation Bill, Houses of Parliament Bill, and to Amendments to Juries at Sessions Bill, without amendment.

PARLIAMENTARY PAPERS.

Mr. SPEAKER acquainted the House, that a Return of the number of Parliamentary Papers issued from 1833 to 1837 (ordered 7th of July), was upon the Table. — To be printed.

CRUELTY TO ANIMALS (IRELAND) BILL.

Mr. MACKINNON. — As I see the Noble Lord the Chief Secretary for Ireland in his place, I am anxious to inquire whether it is the intention of her Majesty's Government to extend the provisions of the Cruelty to Animals (Ireland) Bill, so as to assimilate that measure precisely to the English Bill?

LORD VISCOUNT MORPETH. — We have no such intention, at present.

DUCHESS OF KENT'S ANNUITY BILL.

The Order of the Day for the third reading of this Bill having been read, on the motion of LORD JOHN RUSSELL, —

SIR GEORGE SINCLAIR said: — I rise with great reluctance to address the House on this occasion; but the more any duty is painful in itself, or likely to be followed by circumstances of personal disadvantage, the more it is incumbent upon any honest public man not to shrink from the faithful discharge of it. When the message in reference to this grant was first read from the chair, I anticipated a very different arrangement from that which has since been submitted. I thought that the two grants of 6000*l.* each, awarded expressly for the support and education of her Royal Highness the Princess Victoria in 1825 and 1831, had, of course, reverted to the public,—certainly in point of equity, and probably in point of law,—in consequence of her Royal Highness's accession to the throne; and supposed that her Majesty's Ministers intend to propose that a part, or even the whole, of this sum, should be settled for life upon the Duchess of Kent, although, from the crown having devolved upon her royal daughter, her Royal Highness has been exonerated from the greater part of that very expense on account of which the two additional sums have been successively voted by Parliament. For, in my opinion, what is termed her Royal Highness's "increased proximity to the Throne" has rather diminished than augmented the demands upon her income. To this proposition, I am persuaded that a cordial and unanimous assent would have been given. I deeply feel, and gratefully acknowledge, how much the country is indebted to her Royal Highness for the unwearied solicitude and sound discretion with which her Royal Highness has superintended the education of our beloved Queen, although I may be excused for adding, that I trust there are, in the humbler spheres of life, hundreds of attached and anxious mothers, who have attended, with as exemplary a faithfulness, to the discharge of their maternal duties. I cannot but take this opportunity to observe, that, both in this House and out of doors, a custom is far too prevalent of showering down upon illustrious personages exaggerated panegyrics, to say nothing of fulsome adulation. It is cruel and unjust to poison their minds with inflated encomiums, which tend to make them think of themselves more loftily than they ought to think, and forget that they are by nature subject to like passions with the wicked, and to like infirmities with the weak.

The question now before the House is a very simple one; it is neither more nor less than this,—namely, whether an illustrious personage can enjoy all the comforts, and maintain all the splendour of her rank upon a clear income of 22,000*l.* per annum, amounting to above 400*l.* per week,—an income equivalent to the laying of sixty golden sovereigns upon the breakfast table every morning, and this without any deduction whatever,—no house-rent,—no taxes,—Kensington Palace and Claremont kept up at the public expense,—no ill-paid rents,—no fluctuations in the value of property,—no local burdens,—no insurances to provide for younger children. I cannot lay my hand upon my heart, and maintain the inadequacy of such an income for such a purpose; and I must, therefore, respectfully object to the new grant of 8000*l.* per annum. One sentiment is often uttered by gentlemen, and loudly cheered on all sides, which is not nearly so often expressed by candidates on the hustings as by Members in the House,—namely, a disregard for popular applause. I should be sorry to purchase the approbation of any individual, or class of persons, by a sacrifice of principle; but I must say that, in my opinion, it requires more moral courage to brave the frowns of a court, from which honours and affluence may be expected, than to disregard the smiles of the people, who have nothing to give or to take away. I think that profuse or unnecessary grants to the members of the Royal Family tend to bring the monarchy into discredit, and the House into contempt. I have acted consistently on this view of the subject, and not without a sacrifice of private feeling and of personal interest. I well remember that, in 1819, a proposition was brought before Parliament for allowing 10,000*l.* to the Duke of York, as *custos* of his royal father,—a proposition submitted by a Tory Government, which I was supporting, and strenuously opposed by the Whigs, who were not then in power, and were politically adverse to his Royal Highness. In spite of his Royal Highness's proximity to the Throne (to which he was immediate heir presumptive), in spite of his eminent and acknowledged services at the head of the army, Mr. Tierney, the then Whig leader, made an eloquent appeal against the grant; and two divisions took place, on both of which I had the good fortune to vote with the Noble Lord opposite, and all the principal Whigs of that day,—one proposition being, that the 10,000*l.* should be charged on his Majesty's privy purse, a course which I humbly think might, with singular propriety, have been followed on this occasion. Times are now changed, and the Whigs are in the full tide of court favour; but my own principles continue the same; I will act, in 1837, as I did in 1819, be the consequences to myself what they may. I hope I have expressed myself calmly and respectfully: the duty which has devolved upon me is a very irksome one; but I have followed the dictates of my conscientious conviction, and shall content myself with entering my protest against the grant.

SIR ROBERT INGLIS. — I differ widely from my Honourable Friend, and it is only fitting that I should state the reasons why I am at issue with him on this occasion; and when my Honourable Friend talks of its requiring more moral courage to brave the frowns of a court, from which honours and affluence may be expected, than to disregard the smiles of the people, who have nothing to give or to take away, I feel I should not do justice either to myself or to the subject under discussion, if I did not state the general view which I take of the matter. I maintain, Sir, that this is a question which ought not to be decided either by the smiles of the court or the frowns of the people. The grant, in my opinion, is quite justifiable, from her Royal Highness's nearer relation to the Throne, which will, of necessity, lead to an increase in the expenses of her establishment. I believe the amount now fixed is not the utmost which was originally proposed for her Royal Highness, and that the country is indebted to the disinterestedness of that illustrious lady for the refusal of a much larger sum in a different shape. There is a very prevalent rumour that her Royal Highness declined the offer made by Ministers to discharge her debts, if she had any, in addition to the present grant. I yield my cheerful assent to the third reading of the Bill.

SIR EDWARD CODRINGTON. — Coinciding, as I do, in the opinion so ably expressed by the Honourable Baronet, I beg leave most cordially to support the third reading of this Bill.

COLONEL SIBTHORP. — Whatever may be the opinion of the Honourable Baronet near me (Sir R. Inglis), I am resolved to pursue that course which I regard as consistent with my duty. Though I sit on this side of the House, I am not tied down to support every proposition which comes from it; but I am determined, on all occasions, to act honestly, fearlessly, and conscientiously. The course I am now adopting is forced upon me by the profligacy of the Government, who have come into office on the strength of their professions of economy and retrenchment, but who have totally disregarded them. I have no doubt there are debts, though Ministers are not honest or manly enough to lay the particulars of the case before the House; but I believe, also, that the report referred to by the Honourable Baronet the Member for the University of Oxford is true, and that her Royal Highness has indignantly rejected the offer of the Government to discharge them. Though I have failed in reducing the grant from 30,000*l.* to 22,000*l.*, still I will persevere in my duty, and bring forward two other amendments to the Bill.

The SPEAKER. — These motions cannot be made till the Bill has been read a third time.

COLONEL SIBTHORP. — I will content myself, in that case, for the present, with protesting against the grant, as uncalled-for and unnecessary; because, with such a House it would be quite useless for me to have recourse to a division. I will not buy favour from any one, by neglecting what I consider to be a public duty. I have felt bound to state my honest and undisguised opinions, and will not retract a single syllable of what I have uttered.

The Bill was then read a third time. On the question that it do now pass, —

COLONEL SIBTHORP said: — The period has arrived for moving the clauses of which I have given notice. I hope the House will profit by its experience of the dissatisfaction caused by the enormous grant voted out of the impoverished funds of this country to the King of the Belgians, for, according to the old adage, "a burnt child ought to dread the fire." If 30,000*l.* were to be taken from the country, and spent abroad by the Duchess of Kent, it would, in my view of the matter, be a most ungrateful return for our liberality. As to the possible contingency of her marriage, I am supported in the proposition I am to make by an Act of Parliament already passed. I will now, with permission of the House, bring up the following clauses: —

"Provided always, and be it enacted, that the said annuity of 30,000*l*, or any part thereof, shall not be alienable; but that every alienation of the same or any part thereof shall be absolutely null and void.

"Provided always, and be it enacted, that in case her Royal Highness Mary Louisa Victoria, Duchess of Kent, shall, after passing any grant by Act of Parliament for the sole and separate use of her said Royal Highness, marry with any person without the consent of both Houses of Parliament, or shall cease to reside in, or shall absent herself from, the United Kingdom of Great Britain and Ireland, without such aforesaid consent, for more than twelve months at any one period, or without the intervening period of six months' residence in Great Britain, shall afterwards return abroad, a portion, not exceeding one half of such grant as may be given by way of annuity to her said Royal Highness, shall, in either such case, absolutely and entirely cease."

LORD J. RUSSELL. — I really must oppose the bringing up of these clauses. The annuity of 100,000*l.* was granted by Parliament to the Queen Dowager without any condition or restriction, and it would be most unbecoming in this House to place any such restrictions on the grant to the Duchess of Kent as are now proposed. I beg to recal the attention of Honourable Members to a few circumstances relating to her Royal Highness. When her Royal Highness became a widow, she found that, by no fault of her own, very large debts had been incurred, for the payment of which she was liable; and I must say, that at that period a great temptation was presented to her, having been born and bred a foreigner, to retire to a country where the rate of living was cheaper than in this, and to the manners of which she was more accustomed. Her Royal Highness, however, rightly thought that her duty to this nation required her to reside here, and to bring up her Royal daughter among her future subjects. In 1825, it was proposed by the Ministry of the day to increase the grant to her Royal Highness, but no conditions were annexed to the liberality of Parliament. Then, if ever, was the proper time to annex such conditions, inasmuch as the main object of the grant was to provide for the education of the Princess her daughter; but Parliament generously reposed confidence in the good and highly honourable disposition of her Royal Highness. That confidence was well-deserved, and has not been abused; and as one proof of it I will mention, now, a circumstance not alluded to in this place before. When the present Queen reached the age of eleven, her Illustrious Mother, not content with what she had done in providing the best preceptors for her daughter, asked the Archbishop of Canterbury, the Bishop of London, and the Bishop of Lincoln, to inquire into the particulars of her education; and to advise whether any other course of study would be better fitted to prepare her to reign over this empire, if it should ever please Providence to call her to that high office. Another grant was made by Parliament, in 1831, to the Duchess of Kent; no condition was attached to it; the same confidence was continued, and I think the House will agree with me, that that confidence has not been misplaced. Having, then, on former occasions made these grants without restriction,—having now to express our gratitude for the care bestowed on our Sovereign's education, — having to consider her Royal Highness as a person nearer to the Throne,—is the same liberality not to be extended towards her because her task has been fortunately and successfully accomplished? I must say, that it would be most unbecoming and indecorous in the House to agree to any motion that imposed conditions on the grant, and proceeded on supposed grounds derogatory to the merits of her Royal Highness.

MR. BRISCOE. — It appears to me, that the conduct of the Honourable and Gallant Officer is strangely at variance with his professions. I can only say, that I have great pleasure in supporting the original motion.

COLONEL SIBTHORP.—I care not what may be the opinion of the Honourable Gentleman. I have discharged my duty in proposing this clause, and therefore I will not trouble the House to divide.

Question, "That the said clause be brought up," put, and negatived; Bill passed.

ADJOURNMENT.

LORD JOHN RUSSELL. — I beg leave to move, "That this House will, at the rising of the House this day, adjourn till Tuesday, the 16th day of January next.

The question having been put, —

LORD GEORGE BENTINCK said: — I do not know, Sir, why we should sleep over the Christmas holidays. I think that, looking to the intelligence which has been received from Canada, it would better become the House to meet again with the least possible delay, in order to support the Ministers of the Crown in any strong measures which it may be necessary to adopt, in order to crush the rebellion which has burst forth. I therefore propose, as an amendment, to leave out the words "Tuesday, the 16th day of January next," in order to add the words "Thursday next."

Question, "That the words 'Tuesday, the 16th day of January next' stand part of the question." The House divided:—

Ayes	44
Noes	7
Majority for the original motion	37

Main question put, and agreed to; House at rising to adjourn till Tuesday, the 16th of January.

RETURNS, &c.

Post Office. — Return presented of the names of persons against whom complaints have been made for having voted at the late election of Members of Parliament (ordered 18th of November). — To lie on the Table, and to be printed.

Post Office. — On the motion of MR. F. BARING, Copies ordered of the following papers, relating to persons in the employ of the Post Office voting at elections, viz.: — Circular letters from the Post Office, dated the 11th of July, 1835, and the 13th of July, 1837; Letter from the Post Office, dated the 17th of April, 1837, from Colonel Maberly, to the Post Master of Lewes.

Presented accordingly. — To lie on the Table, and to be printed.

Steam Vessels (Foreign Ports). — Returns presented relative to the number and description of Steam Vessels in the ports of foreign countries received from British consuls in those countries, 1836, 1837 (Address 7th of December). — To lie on the Table, and to be printed.

Slave Trade. — On the motion of SIR R. H. INGLIS, Address ordered for —

> Copies or extracts of all communications with foreign powers, or with the British Commissioners, relative to the slave trade, since the last were presented; and a statement of the measures which have been adopted in consequence of the Address of this House to his late Majesty, on the 9th day of February last, and of his Majesty's most gracious answer.

Lower Canada. — Copies or extracts presented of correspondence relative to the affairs of Lower Canada (by command). — To lie on the Table, and to be printed.

LORD J. RUSSELL. — I will now give notice, that on the 16th of January I will move that the House take into consideration that part of the Speech from the Throne relating to the affairs of Canada, and that any measure which may be introduced with reference to that subject shall have precedence on all days before the 1st of February.

BENEFICES PLURALITY BILL.

To abridge the holding of benefices in plurality, and make better provision for the residence of the clergy. — Presented, and read a first time; to be read a second time on Friday, the 2d of February, and to be printed.

CALL OF THE HOUSE.

LORD G. BENTINCK. — I think it is important that the House should be called over on Tuesday, the 16th of January. I beg, therefore, to make a motion to that effect.

Upon the question being put, that the House be called over on Tuesday, the 16th of January, —

LORD J. RUSSELL said: — I certainly am not prepared to adopt the motion of the Noble Lord, unless he is prepared to state reasons to justify it. It does not at present appear to me necessary that the House should be called over on that day.

LORD G. BENTINCK. — If the Government think it necessary to assemble Parliament at an earlier period than they originally intended, that, in my opinion, constitutes a sufficient reason for proposing such a motion. It is hardly necessary for me to give any other reason, when the Canadian provinces are acknowledged to be in a state of rebellion, and the insurgents are reported to be 2000 strong, with eight pieces of cannon. I must also be permitted to say, that her Majesty's Ministers are acting with great apathy and negligence in adjourning for so long a period.

SIR S. WHALLEY. — I rise to order, Sir. Upon an occasion when your predecessor was in the chair, I myself made a similar motion to the present. That Right Honourable Gentleman held that it was not competent for me to move a call of the House, as I had not complied with the forms of the House in giving twenty-four hours' notice. I apprehend, Sir, that the same rule must apply in this case.

The SPEAKER. — There can be no doubt that, according to the ordinary rules and practice of the House, the Noble Lord ought to give notice of such a motion; but it is for the House to decide whether any change shall be made in the usual course of proceeding in consequence of the emergency that has arisen. It is competent for the Noble Lord to propose to make such a motion, but whether it shall be entertained or not is a question for the consideration of the House.

SIR G. SINCLAIR. — If the present state of affairs in Lower Canada be such that it is necessary to call the Parliament together on the 16th of January instead of the 1st of February, as was originally intended, I think it is equally necessary that a call of the House should be made for that day.

The motion was then put, and negatived.

BALLOT.

Mr. WARD presented a petition of the chairman of a meeting at Sheffield, in favour. — To lie on the Table.

MESSAGE TO ATTEND HER MAJESTY.

The House went, and being returned,—

Mr. SPEAKER reported the Royal Assent to Civil List Bill; Slave Compensation Bill; Municipal Officers' Declaration Bill; Juries at Sessions Bill; Houses of Parliament Bill; Prisoners (Ireland) Bill; Patry's Naturalisation Bill; Mengen's Naturalisation Bill; Ionides's Naturalisation Bill; Schwann's Naturalisation Bill; Saffran's Naturalisation Bill.

VENTILATION OF THE HOUSE.

On the question that the House do now adjourn,—

Mr. WAKLEY said: — I rise, Sir, for the purpose of calling the attention of the House to the state of the ventilation of this House. Honourable Members may smile, but I can assure them, it is a subject well worthy of their serious consideration, if they have any regard for their own health. It is true, there are more frequent changes of air than under the old system, and that we are much freer from breathing respired air than formerly. But I ask those Honourable Members who have attended night after night to their duties, whether they have not suffered from irritation of the throat and lungs, from sitting in this House? I myself suffered seriously during the last Session, and I feel the symptoms now returning; and unless there is some alteration made, so as to prevent this unpleasantness, I certainly will not retain my seat: for I will not endanger my life by being compelled to breathe such an impure atmosphere as that of the House of Commons is now. Yesterday, I, in company with Dr. Arnott, examined the House, and if Honourable Gentlemen will give me their attention, I will read that gentleman's report: —

Memorandum of an Inspection made by me this day, the 22d of December, 1837, of the Arrangements for ventilating and warming the House of Commons.

In regard to ventilation, I found the great chimney pump acting strongly and ably, with a small part of its power, to change the whole air in the House in half an hour, or less.

In regard to heating, I found a collection of flat iron boxes filled with hot water, and sufficient, apparently, to warm as much air as can be required for abundant ventilation in a cold day.

But, in regard to ventilation, I found the fresh air entering the House through numerous small openings in the floor, and then through a carpet, on which, necessarily, is deposited a quantity of mud and dust from the boots and shoes of the Members. This deposit is soon, by the passing warm air, converted into a fine or subtle dust, and is carried up to be breathed by the Members present.

And, in regard to warming, I found that the air was merely heated, but not tempered by moisture. Now, atmospheric air, everywhere on earth, has naturally a quantity of moisture in it, bearing a certain proportion to its temperature, and which moisture is essential to the health of the organised beings living in it; and it is on this account that, over the continent of Europe, where dwellings are generally warmed by close stoves, vessels of water are always placed on the stoves to diffuse moisture.

The two defects mentioned account sufficiently for the dry throats, cough, feverish heat, &c., complained of by Members, and for the much dust found in their dress, and the little left to be swept away, as of old, from the floor.

The remedies are, 1. To give moisture to the air in any of the usual ways, as by suspending in the heating-chamber a sufficiency of cloth, kept wet. 2. To admit the fresh air into the House through openings, not in the floor, but above the floor, in the perpendicular surfaces around, and which openings shall be of sufficient amount to prevent the current through them being at all felt by persons sitting near them. These, or equivalent remedies would, I am sure, have been suggested by Dr. Reid, the proposer of the present arrangements, had he, by being in London, had the opportunity of seeing the present defective working of his plan, and if they are adopted, the objects will still be attained according to his general principles. N. ARNOTT.

Bedford Square, Dec. 22. 1834.

Now, I trust the House will consider that this is not a matter of slight importance. The dust the Members are swallowing daily, as the House is now built, is dreadful; our throats will at length become perfectly macadamised. If it is agreed that something should be done to obviate the inconvenience, I am sure that the Speaker will give the necessary directions for it during the recess; and I have every reason to believe, that the expense necessary for making the alteration will be found very trifling.

Mr. WARBURTON.—I pertectly concur with the statement of Dr. Arnott, as to diffusing moisture through the House. It is well known that, where air stoves are used, water is required in order to generate moisture. It has been suggested that the letting in steam would, for this purpose, be preferable to using water; the alteration necessary would be very trifling, and great benefit would be derived from it by Honourable Members.

Mr. HAWES. — As chairman of the committee of regulations for promoting the comfort of the House, I beg to offer one word on this subject. I trust that the House will not decide upon making any material alteration, without consulting the gentleman who proposed the mode of ventilation which we have adopted. As to diffusing moisture through the House to correct the dryness of the atmosphere, a great improvement has been made in that respect; for canvas has been strained over poles in the sides of the House, which is kept constantly wet; and the House will hardly credit the fact, that no less than forty palls of water are consumed by Honourable Members in this way during a single evening's sitting. The effect produced by this plan has been generally considered as most agreeable. The plan of descending air would have been adopted by Dr. Reid, but it involved great expense; and there has been such difficulty in getting the Treasury Gentlemen to advance any money for the purpose, that the plans proposed by Dr. Reid were necessarily stinted in their execution. I believe that that gentleman has not yet been remunerated for the important services he has already rendered us. I hope, however, that he will be consulted again on this business.

SIR J. C. HOBHOUSE. — I myself have felt the unpleasantness complained of; and yesterday went over the House and examined the apparatus with Dr. Arnott and the Honourable Member for Finsbury. The plan proposed by Dr. Arnott seems perfectly feasible, and involves but little expense. I think the Honourable Gentleman (Mr. Hawes) is mistaken in supposing that Dr. Reid has not been remunerated. I believe he has received a certain sum of money. I am sure, however, that if he has not been adequately remunerated, the House will be quite ready to order a further sum to be paid him. I beg to thank the Honourable Member for Finsbury for calling the attention of the House to this matter, and I hope some alteration will be made during the recess.

SIR E. CODRINGTON.—I, also, can bear witness to the present defective state of the ventilation of the House. I have frequently, after a long sitting, gone home with a severe headach in consequence.

Mr. A. WHITE.—I hope the Secretary of the Treasury will not grudge any sum of money that may be necessary to alter the House, so that Members may attend without being subject to such inconvenience. I have myself suffered from a cough frequently, in consequence of the state of the House.

Mr. HAWES. — I have no doubt but that, with Dr. Reid's assistance, the inconvenience complained of might be remedied.

Mr. BARING.—I have no objection to offer to any alteration being made; but I also think that no measures should be taken without consulting Dr. Reid. I am not aware that, on the part of the Treasury, there has been any reluctance to advance money for such plans as might be thought necessary; but they certainly have objected (and I think properly) to incur expense for merely trying experiments, such as lowering the house to improve the hearing. It was my impression that Dr. Reid had been remunerated; but as the Honourable Member for Lambeth has stated that it is not so, I will ascertain the fact immediately, and see that he receives a proper remuneration.

Mr. WAKLEY. — Although Dr. Reid

has greatly improved the ventilation of the House, yet great knowledge has been acquired on the subject since then, and I think that Dr. Arnott has done much towards its acquisition. With respect to ventilation by the roof, as was once proposed, my own opinion is that it would not succeed; as the rush of air from the top would force down the carbon, and thus the health of Honourable Members would be endangered. If Dr. Reid entertains any prejudices on this subject, he may be aided by some other person who is not of the same opinions.

Mr. HAWES. — I would suggest, as it is intended to make improvements in the House, whether it would not be advisable to have two doors, so that, at the time of a division, the Members may not be so long detained in leaving and returning to the House, as they now are.

SIR J. C. HOBHOUSE. — The Noble Lord at the head of the Woods and Forests has, I understand, already given directions for an additional doorway to be formed, in order to facilitate divisions.

Mr. G. F. YOUNG. — It would also, I think, be very desirable if a few cross-benches were put up, at the same time, according to the suggestion made by the Honourable Member for Finsbury the other night, for the accommodation of those Honourable Members who agree with neither Whigs nor Tories.

The House adjourned at two o'clock, till Tuesday, the 16th of January.

HOUSE OF LORDS, Martis, 16° die Januarii, 1838.

APPEALS.

Houlditch *v.* Wallace, *et al.* — Set down for hearing *ex parte*, as to the respondent the Marquess of Donegal.

Munro *v.* Munro. — Petition of the appellant for further time to lodge cases; Erskine or Watt *v.* Ogilvy. — Petition of the appellant for further time to lodge cases. — Read, and referred to the Appeal Committee.

Viscount Lorton *v.* Earl of Kingston, *et è contra.* — To be considered on Tuesday next.

Crawford *v.* Edwards. — Appeal presented, and respondent ordered to answer in four weeks.

The Lord Saltoun took the oaths.

RAILWAY AND OTHER LOCAL BILLS.

The Duke of Richmond presented a petition from the landholders in Aberdeen, praying for an alteration of the Standing Orders relative to the receiving of evidence. — Read, and ordered to lie on the Table.

POSTAGE.

The Duke of Richmond presented a petition from the provost, magistrates, and town council of Cupar, Fife; and from magistrates and council of Crail, praying for the adoption of a uniform rate of postage.

CANADA.

LORD GLENELG. — I have to present to your Lordships, by command of her Majesty, certain papers relating to the affairs of Canada, which are a sequel to those which were presented to the House about three weeks since. I should have been very much disposed, in laying these papers on the table, as far as my own wishes were concerned, to have entered, this evening, upon the subject to which they refer. I am aware, however, that in so doing there would be some informality, as the more regular course would be to give notice of the subject to be brought under the consideration of the House. I am quite ready at this moment to enter into the question; but the consideration of the informality induces me to submit to the judgment of your Lordships, whether I ought to do so, or whether I should take the usual course of giving notice that I will call the attention of your Lordships to the matter on an early day? If it be your Lordships' wish or opinion that I had better not enter on the question now, then I shall give notice that I will on the earliest day possible, — on Thursday, — move a humble address to her Majesty on the subject of the affairs of Canada.

The Noble Lord then laid on the table copies or extracts of correspondence relative to the affairs of Lower Canada (in continuation of paper presented on the 23d of December last).

LORD BROUGHAM. — Having, from accidental circumstances, and other causes, taken some considerable interest in this subject, and having been, when one of his late Majesty's servants, much occupied with the disputes between Canada and this country, and having, also, taken an anxious share in the deliberations which have taken place in this House on this question, I cannot help, without any delay whatever, expressing my decided opinion to my Noble Friend, that the most convenient course for him to take will be to give notice of his intention to bring the subject forward; and then to call on the House to agree to any measure he may deem it necessary to propose at the earliest possible period. I am clearly of opinion that this would be the fairest course of proceeding towards her Majesty's Government, the fairest towards your Lordships, and the most just and satisfactory to all the parties concerned.

VISCOUNT MELBOURNE. — I beg leave to state the reasons which induced me to take a different course with regard to this question, from that which it was the intention of the other House to adopt. My Noble Friend (Lord John Russell) gave distinct notice of his intention this day, to make a motion upon this subject. I certainly said that I should call the attention of your Lordships to it, but I did not give any distinct notice for a particular day on which I might bring it forward; nor were your Lordships summoned. I, therefore, did not think that it would be right to enter upon the matter at present; but again, I thought it inconvenient and scarcely fair to your Lordships, that a statement should be made in the other House on this subject to-day, and none in this. It was thus out of respect to your Lordships, that I suggested to my Noble Friend the propriety of making a general statement to your Lordships of the course intended to be pursued. I, however, feel that the course now suggested is the most proper and convenient; therefore, I hope my Noble Friend will be allowed to give his notice of motion for Thursday next. I have said thus much to prevent its being considered that there is anything like a contrary feeling between the two Houses, in consequence of the course which the Government have adopted. I will, however, repeat, that it is out of respect to your Lordships that I propose this course.

LORD BROUGHAM.—I did not at all complain of the course pursued by the Government.

The DUKE of WELLINGTON.—My Lords, I am very desirous to know what will be the nature of the proceedings which will be recommended by the Government at the next meeting of the House. I confess that I have a very strong opinion on this subject. It is my belief that the course of proceeding by way of an address from this House and the other House, in the first instance, is not the regular course. It is my opinion, that as a case of war has been made out, hostilities having been already committed, the authority for our proceeding ought to be a message from her Majesty, and in answer to that the House should present a humble address to the Throne containing the sentiments of your Lordships on the subject. That is, in my opinion, the most natural course, and I feel the more anxious about it, because I believe that such a course of proceeding would be most likely to put a speedy and successful termination to the unfortunate state of affairs between this country and the colony to which these proceedings relate. My opinion is, that her Majesty and her Majesty's Government ought to speak out on this subject, and that we, the Houses of Parliament, and the country, ought to understand on what ground her Majesty and the Government intend to stand on the question with relation to this country and Canada; for the sooner that is understood the better, and the more speedy will be the termination of this unfortunate business. I have no doubt whatever that, before long, her Majesty's Government will be under the necessity of calling upon Parliament to support her Majesty in these transactions, and I hope they will call upon Parliament to do so in such a manner as that Parliament will be enabled to pledge itself to support her Majesty in these transactions; and that the preparations for bringing them to a conclusion will be made on such a scale, as to render it quite certain that they will be brought to a conclusion at the earliest possible period after the season opens. If this be the case, it is my determination to support her Majesty's Government, and to persuade others to do so, in carrying these proceedings to a speedy termination. But, my Lords, I intreat you, and I intreat the Government, not to forget that a great country like this can have no such thing as a little war. They must understand, that if they enter on these operations, they must do it on such a scale, and in such a manner, and with such determination as to the final object, as to make it quite certain that those operations will succeed, and that at the very earliest possible period after the season opens. The question which I wish to put to the Noble Lord is as to the precise nature of the motion he intends to propose on Thursday. In putting that question, I have thought it proper to open my mind on the subject, and to say what course I think the Government ought to adopt,—which course in my opinion ought to have been adopted before.

VISCOUNT MELBOURNE.—I agree with the Noble Duke as to the general principles which he has stated. I entirely concur with him that an explicit and decisive tone ought to be assumed by the Government, and that the preparations which may be made for putting an end to the present state of things ought to be on such a scale as to afford a hope of bringing the matter to a speedy conclusion. Perhaps it would have been the more usual course to proceed by bringing down a message from the Throne in the first instance; but the papers which have just been brought down to the House may be considered as in the form of a message from the Throne; and, in fact, it would be very inconvenient to bring down a message on a subject, the principal matter of which is already before the House. The Noble Duke has expressed a hope that her Majesty's Ministers will speak out on the present occasion. Undoubtedly they will do so. I am willing to admit that, if a message from the Throne had been sent down, it might have given greater solemnity and weight to the present proceedings; but I think there would be some difficulty in adopting that plan now. Yet I trust that, by the course we have taken, an opportunity will be given to the Government, and to both Houses of Parliament, to adopt such a tone as shall make it clear to all men that this country is determined, consistently with a due regard to the rights of others, to maintain its dignity, and to uphold its station among the nations of the earth.

LORD ELLENBOROUGH.—Though her Majesty's Ministers have not brought down a message, the House ought to understand what is the nature of the address to be proposed on Thursday. I trust, therefore, that the Noble Baron (Lord Glenelg) will give the explanation which has been asked for by the Noble Duke. A message from the Throne is usually accompanied by the papers relating to the subject of the message; but the Noble Viscount has said that, in this case, the papers are tantamount to a message from the Throne, because the matter for consideration is contained in them. I must say that the matter is not in the papers; they only inform the House that a war going on, but they do not show how or when the war commenced, though that intelligence must have been received. I trust that the Noble Baron will distinctly inform your Lordships what are the terms of the address he means to propose. I, for one, cannot acquiesce in any address which will support or approve the course which the Government have followed,—I mean that course which it is shown they have pursued by the correspondence already before your Lordships. With respect to that correspondence, I must say that the Noble Baron ought to furnish more papers; for at present it is very defective. The Noble Baron has talked of the documents he has just brought down being the sequel of the correspondence; will he have the goodness to tell your Lordships when the papers were received? I never knew yet of despatches being laid before the House, and the date of their writing being given without the date of the receipt. It is impossible to know whether certain parties have properly performed their duty unless the date at which the papers were received be given. There is a great *hiatus* in the correspondence; and perhaps the Noble Baron will be prepared to fill it up. I see that, on the 20th of November, 1836, it was stated by the Noble Baron, in a letter to Lord Gosford, —"I shall very shortly have to address you fully in explanation of the course of proceeding which it will be necessary to adopt in order to arrest the progress of these controversies." Now, I can find no despatch whatever from the Noble Baron between that date and the 11th of March, 1837. There is one, indeed, merely on financial matters; but, in that of the 11th of March, the Noble Baron says,—"Although I am unable, at the present moment, to enter fully into an explanation of the reasons, as the occasion might seem to require, for the course which her Majesty's Government have felt it their duty to adopt in relation to the affairs of Lower Canada, nor into a statement of the duties which will consequently devolve upon your Lordship, I feel it incumbent on me to avail myself of the first opportunity which has offered since the affairs of Lower Canada have been brought before the House of Commons, of informing you of the proceedings of Parliament in reference to this subject." And then the despatch proceeds to repeat the resolutions adopted by the House of Commons. That is no more than just what Lord Gosford could have gleaned from the newspapers. Now, I wish to know, have there been any despatches from the Noble Baron between the 20th of November, 1836, and the 11th of March, 1837? If there have been, can they be communicated without detriment to the public service? I wish to know, will the Noble Baron keep his word in this respect, and enter into an explanation of the intentions of her Majesty's Government?

LORD GLENELG.—When I laid before the House the papers referred to, I certainly did intend to follow them up with the despatches since received. I have not looked to the dates of the last despatches, nor do I now recollect the particular date to which the Noble Baron has alluded. I certainly shall examine as to the paper referred to, and whatever despatch can be produced between November and March without detriment to her Majesty's service, shall undoubtedly be produced. My impression now is, that the entire correspondence is before the House.

LORD FITZGERALD AND VESCI. —I presume that the Noble Baron did, agreeably to his promise to Lord Gosford, in his despatch of November 20th, 1836, enter into a full explanation on the subject, and that such a despatch was written during the interval between that date and the 11th of March, 1837.

LORD BROUGHAM. — There are several other *hiatuses* in the papers before this House. I assume — for I am bound to assume — that her Majesty's Ministers, as men of business, and knowing their own business, have examined all the archives of the Colonial Office, and have found no other papers that bear on the points in question, except those which were delivered to the House before the recess. As to what has been referred to by the Noble Lord (Lord Ellenborough), it appears to me to be a very extraordinary *lacuna* indeed; for, without the instructions furnished by the Noble Baron, Lord Gosford could not have acted. I, however, take it for granted that there are other papers to be produced than those before this House. There are many other blanks in this correspondence; but I cannot now point them out without entering into the whole question. Perhaps, however, my Noble Friend will supply the defects which have been referred to between this and Thursday, or the matter may be proceeded with to-morrow.

LORD ELLENBOROUGH. —I beg leave to ask the Noble Baron whether he can lay a short paper on the Table to-morrow exhibiting the dates on which the correspondence was received?

LORD ABINGER. — As the House will be called upon for a vote on the subject, it ought certainly to know what sort of an address will be submitted to it.

LORD GLENELG. — I have not got the terms of the address with me; but it is to be a general one, expressing regret at the events which have occurred in Canada, and a determination to support her Majesty's Government in maintaining the dignity and station of this country.

LORD BROUGHAM.—That is to say, just the same address which was presented by both Houses of Parliament in the month of March, 1775.

VISCOUNT MELBOURNE. — No, no; quite different.

LORD ELLENBOROUGH. — It will be extremely important that any despatches from Sir J. Colborne be laid before the House.

The EARL of RIPON. — The seat of the Government in Upper Canada has been attacked by persons having the same object in view as those who have created the insurrection in Lower Canada, but the papers produced have no reference whatever to anything that has taken place in that province. It appears that a certain Mr. Mackenzie was enabled to get temporary possession of the capital of Upper Canada. Well; the reason why he had a chance of doing so was, that Sir F. Head, in compliance with his orders, received by Sir J. Colborne, sent all the troops out of the province of Upper Canada into the Lower province. It appears to me that the two provinces are so connected together, that I am much surprised the House has had no information on this subject, unless, indeed, it happen to be in the papers which have been presented to-day.

LORD GLENELG. — Upon the subject to which my Noble Friend has just alluded, I have no official account at all. The papers I have just now presented contain a correspondence between Sir F. Head and Sir J. Colborne, respecting the transfer of troops from the upper province to the lower. I have no official account as to the correspondence between Sir John Colborne and Lord Gosford.

The papers were then ordered to be printed.

SLAVERY.

The MARQUESS of LANSDOWNE presented a petition for the emancipation of negro apprentices, from inhabitants of Melksham. — Read, and ordered to lie on the Table.

Adjourned.

HOUSE OF COMMONS.

PRIVATE BUSINESS.

The following petitions for Bills were severally referred to the Select Committee on Petitions for Private Bills, viz: — Ribble Navigation; Tenby Small Debts; Torquay Roads; Brandling Junction Railway; Montgomeryshire Western Branch Canal.

Milton next Sittingbourne Improvement Bill. — Read a second time, and committed to SIR EDWARD KNATCHBULL and the Kent list.

Paington Harbour Bill. — Read a second time, and committed to SIR JOHN YARDE BULLER and the Devon list.

Ogley Hay (Stafford) Inclosure Bill, — "for dividing, allotting, and inclosing a certain tract of uninclosed common or waste land, called Ogley Hay, in the county of Stafford." — Presented, and read a first time; to be read a second time.

PUBLIC BUSINESS.

ELECTION PETITIONS.

Pontefract Election. — MR. SPEAKER acquainted the House, that Henry Gompertz, Esquire, who petitioned this House upon the 4th day of December last, complaining of an undue election and return for the borough of Pontefract, had not entered into a recognisance in respect of such petition, according to the directions of an Act passed in the ninth year of the reign of his Majesty King George IV., intituled "An Act to consolidate and amend the laws relating to the Trial of Controverted Elections or Returns of Members to serve in Parliament." — Order for considering petition on Tuesday, the 22d day of May next, read, and discharged.

Bodmin Election. — MR. SPEAKER also acquainted the House, that Carteret John William Ellis, Esquire, who petitioned this House upon the 4th day of December last, complaining of an undue election and return for the borough of Bodmin, had not entered into a recognisance in respect of such petition, according to the directions of the said Act. — Order for considering petition on Thursday, the 17th day of May next, read, and discharged.

Dudley Election. — MR. SPEAKER also acquainted the House that William Meryweather Turner, Esquire, who petitioned this House upon the 4th day of December last, complaining of an undue election and return for the borough of Dudley, had not entered into a recognisance in respect of such petition, according to the directions of the said Act.

Report of the examiners of the sureties read, as follows: —

Martis 16^{o} die Januarii, 1838.

Borough of Dudley. Petition of William Meryweather Turner.

In pursuance of the order of the Right Honourable the Speaker of Commons, dated the 4th day of December last, and herewith returned, we, the examiners thereby appointed, do hereby report, that, on Tuesday, the 26th day of December last, being the last day of the extended time granted by the House for the examination of the sufficiency of the sureties, when we had appointed to meet for that purpose, one of us, Francis Cross, Esquire, was prevented by serious illness from leaving his own house; and that the other examiner, in announcing this to the parties, informed them that the examination might nevertheless proceed, provided they mutually agreed to adjourn to the house of the said Francis Cross; but that the agent for the sitting Member objected to any such adjournment, so that no examination could be had of the sufficiency of the sureties.

Given under our hands the day and year first above written.

JOHN RICKMAN.
F. CROSS.

To the Right Honourable the Speaker.

Order for considering petition on Tuesday, the 24th day of April next, read, and discharged.

LOWER CANADA.

Papers presented by the CHANCELLOR of the EXCHEQUER, being copies or extracts of correspondence relative to the affairs of Lower Canada (by command). —To lie on the Table, and to be printed.

MISCELLANEOUS PETITIONS.

The following petitions were severally presented, viz.: —

Marine Insurance, — By Mr. GEORGE F. YOUNG, — from Tynemouth, for the repeal of the duty thereon.

Post Horse, &c. Duties, — By Mr. GEORGE FREDERICK YOUNG and Mr. DIVETT, for the repeal of the duties thereon,— from North Shields and Tynemouth; and innkeepers and others in the counties of Devon, Dorset, Hants, Somerset, and Wilts.

Canada, — By Mr. HUME, praying the House to refuse their concurrence and support to the war now prosecuted in Canada, — of members of the Brentford Political Union, and inhabitants of Stonehouse.

Factories Act, — By LORD VISCOUNT MORPETH, — from Ossett-cum-Gawthorpe, for repeal or amendment of.

Window Tax, — By LORD DALMENY, — of inhabitants of Stirling, for repeal.

Tithe Commutation Act, — By Mr. BROTHERTON, — from Stretton-upon-Dunsmore, for repeal of certain parts thereof.

Edinburgh University, — By the ATTORNEY GENERAL, — of the Lord Provost, magistrates, and town council of Edinburgh, complaining of the graduates of that university being obstructed in their practice by the privileges of certain corporate bodies in England.

Licensed Victuallers, — By CAPTAIN PECHELL, — from licensed victuallers of Brighton, or protection from liability.

Severally ordered to lie on the Table.

SHERIFFS' COURTS.

CAPTAIN PECHELL. — I wish to ask a question of the Honourable and Learned Attorney General, namely, whether it is the intention of the law officers of the Crown to undertake the management of the Bill called the Sheriffs' Courts Bill, which the Learned Attorney General gave the House reason to suppose that the Lord Chancellor had under his consideration, and which the Learned Attorney General also promised to mention on the first day of the meeting of Parliament?

The ATTORNEY GENERAL. — I am authorised by the Lord Chancellor to state, that he is engaged with the judges in preparing the Bill to which the Honourable and Gallant Member refers, namely, a Bill for extending the jurisdiction in all cases tried by the sheriff to the amount of 50*l.*, and in all actions of whatsoever kind. I hope that the Bill will contain other enactments for the establishment of courts for the recovery of small debts, likewise for assisting in the administration of criminal justice at quarter sessions.

HAND-LOOM WEAVERS.

Mr. W. WILLIAMS.—I wish to ask the Noble Lord, whether the inquiry into the distressed condition of the hand-loom weavers is to be conducted by commissioners, or by deputy commissioners? I am induced to ask the question, because a very strong feeling exists on the subject in the manufacturing districts; and I am led to believe that, if the inquiry is directed to deputy commissioners, the result will not be satisfactory, and that no responsibility will attach to their Report.

LORD JOHN RUSSELL. — I beg to say, that it is the intention of the commissioners to conduct the inquiry in the manufacturing districts through assistant commissioners. Those assistant commissioners have been appointed, and are about to proceed on their duties, if, indeed, they have not already commenced in those districts. The inquiry will, in reality, be conducted in a manner similar to that which was adopted with respect to the poor laws; and I have no doubt but that it will lead to a satisfactory result, and that we shall have an able Report, going into the whole subject.

AN HONOURABLE MEMBER. — I beg to inquire, whether it is intended to extend the inquiry into Warwickshire and throughout England?

LORD JOHN RUSSELL. — Yes.

DUDLEY ELECTION PETITION.

Mr. AGLIONBY. — I beg to call the

attention of the House to a special Report which has been laid on the Table this evening, in consequence of which the order for extending the time for completing the sureties in the case of the Dudley election petition was discharged. The facts of the case have been already recapitulated in that special report of the examiners which you read, Sir, to the House; and therefore the simple question is, whether the petitioner has not done all that was required of him by the Act of Parliament? I hope that the House, if such be the case, will interfere, and not allow the petitioner to be deprived of his rights by circumstances over which he had no control. I will, as a preliminary step, move that the order for discharging the previous order be itself discharged.

Mr. WYNN. — I apprehend that the House cannot proceed in the matter without a petition from the party, or without hearing evidence at the bar. The best plan for the Honourable Member to pursue will be to give notice of motion for to-morrow.

Mr. AGLIONBY. — I sincerely thank the Right Honourable Gentleman for his suggestion; and if the House will allow me to do so, I will give notice of a motion on the subject for to-morrow, provided, upon searching the books, I can find any precedent to support me in making such a motion.

AFFAIRS OF CANADA.

LORD J. RUSSELL. — Mr. Speaker, I rise, in pursuance of the promise which I made to the House on a former occasion, to bring under its consideration, at the earliest possible opportunity, the state of the affairs of Canada. In proportion to the satisfaction which I feel, whenever it falls to my lot to propose any measure ensuring additional advantages to my fellow-subjects, or an improvement in the laws, is the pain which I now suffer in having to treat of measures of an opposite nature in regard to a part of her Majesty's dominions, in which the horrors and misfortunes of civil war are now prevailing, and to ask the House to suspend, though only for a time, the constitutional liberties of that portion of the British territories. But, though I feel that I approach the one of these subjects with satisfaction and the other with sorrow, the one is a duty no less incumbent upon me than the other. I feel that I can no longer delay to ask the House for power to maintain the authority of her Majesty in Lower Canada. If it were only on the score of humanity, I feel that, instead of preventing bloodshed, I should be only giving the word for all the horrors of civil war, were I to follow the advice which has been tendered by some, and withdraw the troops of her Maiesty from that part of her dominions. With these feelings, therefore, it is my duty to propose to the House, in the first place, that an address be sent up to the Crown, stating the concern of this House at the revolt and disturbances which exist in Lower Canada, and pledging itself to assist her Majesty in restoring tranquillity in that part of her dominions; and in the next place, to move for leave to bring in a Bill by which, for a certain time, the calling of an assembly in that province, which is now incumbent on the governor for the time being, may be suspended, and, by the means which I shall state to the House, adequate authority be provided to meet the emergency, and to provide for the future government of the province.

In bringing this subject before the House, I think that I shall not obtain its assent unless I refute two propositions which have been confidently put forward. The first of these assertions is, that the course pursued by this country in respect to Lower Canada has been unjust; and the second is, that whatever be the justice of the case, it is expedient to abandon the colony, and make an early separation between it and the mother country. In debating the first of these propositions, it becomes necessary for me, in many respects, to arraign the conduct of the Assembly of Lower Canada. I am sensible, Sir, how invidious a task it may seem to arraign, in this place, the conduct of any other assembly; but I feel that without so doing, in the present instance, I could not make out the case which I wish to establish,—"that in our present breach with the Assembly our conduct has been founded in justice,—that the course which we pursued last year was necessary,—and, further, that we shall be justified now in suspending the constitution of that province."—I say, I shall be obliged to arraign the conduct of the Assembly of Lower Canada; but in what I say, and also in the course of policy which we may have to pursue, I wish that neither Parliament, nor the Government to which I belong, may seem to be chargeable with the vice of intemperance. In an individual, intemperance may be combined with the best feelings and dispositions; but in a government, it is the worst quality it can be guilty of. In a despotic government it becomes tyranny, whilst in that of a free country intemperance, influencing the passions, produces endless confusion, and, finally, the subversion of the constitution. In considering the conduct of the Assembly of Lower Canada, we must look at the nature of the government by which this country first proposed to govern that province. The title of this country to Canada depends upon the treaty of peace of 1763. Soon after that treaty a proclamation was published respecting the mode of government which it was intended to apply to it; but, in point of fact, for some time English courts, pursuing the method, and regulated by the decisions of English courts, held jurisdiction in the province; and, according to a report from General Murray, who succeeded General Wolfe in the government of the province, many hardships and grievances were suffered by the French Canadians in the administration of justice. But, whatever these hardships or grievances might have been, a remedy was applied to them by the Act of 1774. Sir, I apprehend that never was a stronger inclination evinced by any country to act according to the feelings, habits, and prejudices of a dependent colony than in that Act of 1774. By that Act the Roman Catholic religion was established in the province, and the clergy of that persuasion were to continue to receive the tithes and other dues which they had been accustomed to receive; and further, the French laws of property, and indeed in all matters except the criminal law, were to govern the colony.

Now, Sir, with respect to the former of these provisions, it should be borne in mind that it was passed at a time when nothing was less favoured by Parliament than the Roman Catholic religion, as was shown in Ireland, where the severity of the penal laws had been scarcely relaxed. With respect to the laws of property, nothing could be more adverse to the feelings of this country than the old feudal system of tenures which still prevailed in Canada. It had always been one of the greatest efforts made by the Parliament to wipe off what Blackstone calls "the slavery of the feudal tenures." That was at length accomplished, in the reign of Charles II., and the writer whom I have just referred to says, that the benefit thus entailed to the country was not less important than that of the Habeas Corpus Act itself. Sir, those tenures were considered, and I think rightly, of slavish origin. According to Montesquieu, the very terms used in them had a slavish import; for instance, that he who paid *cens* was a serf, and he who did not was free. Then, in adopting the French law in this respect, the English Parliament was a party to the introduction of a species of law contrary to the genius of the British constitution, and to which all settlers in that colony would naturally feel the strongest objection. But the reason why it was adopted was the same as that for the establishment of the Roman Catholic religion, namely, because it was most congenial to the feelings and habits of the French portion of the inhabitants of that province. Sir, this constitution remained in force till the year 1791. In that year it was proposed to frame a new constitution; and I must say, looking to the debates of that period, and to the enactments of the law itself, with the light which experience affords, I do not think that law was very wisely framed, with a prospect of permanent continuance, or of permanent harmony between the colony and the mother country. Sir, the policy of this country, with regard to her colonies, has been generally one of great lenity. In some colonies, where the population was chiefly British, and the feelings and habits were therefore chiefly British, the British laws and constitution have been introduced, so far as they were applicable in the different state of society in the colony and the mother country; and, according to that constitution, the people have been left to regulate their internal affairs. In other colonies, which were of foreign origin, there has been a power of governor and council more despotic in its nature, without the form of a real constitution; but, at the same time, the inhabitants were always left to enjoy whatever was congenial to their habits or feelings, in the laws of Danish, French, or Dutch origin, or whatever other it might be, under which the colony was originally founded, and by which its concerns had been formerly regulated. Sir, looking back to the past, with the guide of experience, I think that what was proposed by Mr. Fox, at that time, would have given a better prospect of permanent tranquillity than the constitution which was then adopted. Mr. Fox maintained that it was not wise to separate the Upper from the Lower province, but that it would be better to encourage the influx of British settlers in both, and endeavour to introduce, by degrees, British laws, with, as he said, a due weight of aristocracy. It may be doubted whether it would have been proper, at that time, to leave the introduction of British laws to the gradual operation of custom and the influx of British emigrants. I own that it appears to me, that the only wise course would have been, when we were introducing a representative constitution, instead of the more despotic governor and council, at the same time to make a settlement with respect to the English and French laws, adopting only so much of the latter as should prevent the French inhabitants from being disquieted in their possessions; and that, having so done, we should have made arrangements for a Legislative Council and a representative House of Assembly. This, however, was not the course taken in that day; and a law was passed, on the presumption that the French would entirely inhabit one province of Canada, and the English the other; Lower Canada being assigned to the French, and Upper Canada to the English. At the same time was introduced into each province an Assembly, consisting of representatives of the people, at rather a low rate of franchise, and a Legislative Council, partly consisting of members having hereditary titles, and partly of members named for life by the Government. With regard to the latter part of this arrangement, I do not think that it was a just application of the British constitution. With regard to the House of Lords, though every privilege may be liable at times to abuse, yet we all know that there must be some distinction of eminence, or some consideration of large property, to justify a Minister in proposing to the Sovereign to elevate a commoner to the House of Lords. In Lower Canada the case was not the same: the person on whom the distinction was to be conferred was not so easily pointed out, and there was not that great and paramount check upon the exercise of this privilege which exists in this country. With regard to the House of Assembly, also, I think that that constitution was not wisely framed when the state of education in that colony is considered. However wisely or unwisely this constitution was framed, there can be no doubt that it was given with a view — a sincere view — to enlarge the privileges and provide for the welfare of the people of Canada. No one can doubt that it was intended, not to draw any undue influence to this country, but to provide mainly, and in the first instance, for the welfare of the colony itself.

Then, Sir, I think I may say, that neither in the constitution of 1774, nor in that of 1791, was this country an oppressor. I do not wish to state this for the purpose of making a debtor and creditor account between Lower Canada and this country, as relates to benefits mutually given and received — still less for the purpose of imputing ingratitude to the people of that colony. On the contrary, I am happy to say, that whilst the intentions of the Legislature were those of kindness towards Canada, — on two great occasions, namely, in the war with the United States, and towards the conclusion of the last war with France, the Canadians came forward with loyalty and zeal to show their affection for this country; so that if we have been kind on the one hand, we have met with a return of affection and loyalty on the other. But, Sir, as I have already said, I think the constitution then framed contained within itself the seeds of difficulty, though for some time the difficulty was not sensibly felt. In 1810 there was some violence on the part of the Canadians and the House of Assembly, which ended in the dismissal of the Assembly, and left some angry feeling; but the dissensions, upon which much of what has subsequently taken place originated, began in 1818. It had been for some time the practice in Canada to vote certain sums for the maintenance of the government, and whatever further supplies were required were voted by this House. It was then petitioned that all the supplies should be received from the colonial Assembly, and that they should not be dependent in any way upon this country. This petition was at first rejected; but when the Duke of Richmond was there a new mode of voting supplies was adopted, and they were given by what were called chapters. Afterwards, under Lord Dalhousie, a permanent grant was required, which led to great dissension in the Assembly, who maintained that they had the only right to give the supplies, and the votes were given item by item, and only for an annual period. After a time Mr. Huskisson, who was then Colonial Secretary, thought proper to bring the question before Parliament, and caused a select committee to be appointed to consider the question then at issue with the House of Assembly. Before I state what the Report of that committee was, and the result of what was done, I wish to call the attention of the House to the instructions which were given by Sir George Murray, who was subsequently Secretary of State under the Duke of Wellington, before the Report of the committee had been taken into consideration. I wish to quote this in order to show that the policy of the Government of that day was what has been the policy of every Government since; namely, a policy of forbearance and moderation, evincing a constant desire to consult the interests and to meet the wishes of the Lower Canadas as far as possible. Sir George Murray found, according to the opinions of the law officers, that there were some duties imposed by an Act of the Imperial Parliament of 1774, in lieu of certain other more oppressive duties which had existed —before, applicable to the public service of Lower Canada. He accordingly instructed Sir J. Kempt in what manner these duties were to be applied. The following is an extract from Sir George Murray's instructions to Sir James Kempt, 29th Sept., 1828.

> The proceeds of the above-mentioned duties, and of the territorial revenue of the Crown, with the produce of fines, forfeitures, and other incidents of that nature, appear to constitute, however, the only fund which his Majesty's Government can lawfully apply, at its discretion, to the defraying the expenses of the civil government, and those of the administration of justice in the province. It is, therefore, to be understood for the future, as a fixed and unalterable principle, that, with the exception of the funds already mentioned, no part of the revenue of Lower Canada must be applied to the public service, nor to any object whatever, except in pursuance of an Act of appropriation passed by the three branches of the local Legislature. I am by no means insensible to the consequence which must necessarily result from the recognition and the observance of this principle. So long as the Assembly is called upon to provide for and to regulate any portion of the public expenditure, it will virtually acquire a control over the whole. If the entire charge of the civil government of the province could be limited to the amount of the crown revenues, it might be possible to act without any dependence on the Assembly. But whether such a result would be desirable, or would be really conducive to the welfare of the province at large, it is unnecessary for me to inquire. It is sufficient to say that, under the existing law, the Executive Government of Lower Canada cannot be relieved from a state of virtual pecuniary dependence upon the Assembly, by any constitutional means; and methods of a different nature must not be resorted to.

This instruction clearly shows that Sir George Murray meant to bind himself, and the Government to which he belonged, to a precise and exact observance of the constitution. I next come to call the attention of the House to the course adopted by the committee of 1828. This committee made a Report containing many valuable suggestions, and which was spoken of, in an address of the House of Assembly of the 21st of November, 1828, in the following terms: —

> As soon as the inhabitants of Lower Canada made known to the King the sufferings of the country, and suggested the remedy for those evils — as soon as their humble petitions were laid at the foot of the throne, the Sovereign, ever inclined towards constantly faithful subjects, positively ordered that those petitions should be forthwith submitted to the supreme tribunal of of the empire. The charges and well-founded complaints of the Canadians, before that august senate, were referred to a committee of the House of Commons, indicated by the Colonial Minister; that committee exhibiting a striking combination of talent and patriotism, uniting a general knowledge of public and constitutional law, to a particular acquaintance with the state of both the Canadas, formally applauded almost all the reforms which the Canadian people and their representatives demanded, and still fervently demand. After solemn investigation, after deep and prolonged deliberation, the committee made a Report — an imperishable monument of their justice and profound wisdom — an authentic testimonial of the reality of our grievances, and of the justice of your complaints, faithfully interpreting our wishes and our wants.

One would have supposed, when the House of Assembly of Lower Canada spoke of a Report of a committee of this House as "an imperishable monument of justice and profound wisdom," that if the Government of this country were to apply itself anxiously to do all that was recommended in it, some degree of satisfaction would have been expressed towards it by that Assembly. So far from this being the case, however, after an attempt was made to comply with every one of the recommendations of that committee, and to remedy every grievance mentioned in it, the complaints of the Assembly were made in a louder tone and a bitterer form. If any one wishes to go through the various particulars of the occasions on which the Government has attempted to comply with the recommendations of this committee, I will refer him to the very clear minutes drawn up by Lord Aberdeen, and intended for the guidance of Lord Amherst in the government of this colony. It had been stated by the committee that the revenues under the Act of 1774, ought to be given up to the Assembly, but at the same time that the judges should have their salaries for life, and not by an annual vote. In this recommendation there was much good sense; and there arose one circumstance which, perhaps, will scarcely gain credit in this House. A certain judge having, some years before, expressed an opinion which was not approved of by the Assembly, the House of Assembly thought proper to refuse his salary. I will read an extract from the resolutions adopted by the House of Assembly of Lower Canada, Dec. 6., 1828: —

> Resolved, — That on the permanent settlement before mentioned being effected with the consent of this House, it will be expedient to render the governor, lieutenant-governor, or

person administering the government for the time being, the judges, or executive councillors, independent of the annual vote of this House, to the extent of their present salaries.

Resolved, — That amongst those questions not particularly mentioued on the present occasion, this House holds, as most desirable to be admitted, and most essential to the future peace, welfare, and good government of the province, viz., the independence of the judges, and their removal from the political business of the province; the responsibility and accountability of public officers; a greater independence of support from the public revenues, and more intimate connection with the interest of the colony in the composition of the Legislative Council; the application of the late property of the Jesuits to the purposes of general education; the removal of all obstructions to the settlement of the country, particularly by crown and clergy reserves remaining unoccupied in the neighbourhood of Rood and Settlewaite, and exempt from the common burdens; and a diligent inquiry into, and a ready redress of, all grievances and abuses which may be found to exist, or which may have been petitioned against by the subjects in this province, thereby assuring to all, the invaluable benefit of an impartial, conciliatory, and constitutional government, and restoring a well-founded and reciprocal confidence between the governor and the governed.

Now, Sir, I will state what has been done in respect to these grievances. With respect to the independence of the judges, Lord Goderich fully concurred in the reasonableness of this recommendation, and suggested a measure for the consideration of the Assembly. But what was the conduct of the Assembly? Instead of following out their own recommendation, they passed a Bill in accordance with it, but tacked to it some other provisions relating to the civil government, and for the appointment of a court for the impeachment of judges. This manner of treating a recommendation of this nature was such as might lead to a grave suspicion that the object which they had in view was not what they asked. The recommendation for a Bill for the independence of the judges was itself a good position, but the tacking to it of other provisions which could not be agreed to, was, in my opinion, a proof that they did not wish to get rid of the grievance of which they complained. Sir, I know that in former times, when the Crown asked from Parliament other provisions than had been formally made, other provisions were included in a Bill; but I own I never heard that when a Bill wholly for the benefit of the subject was proposed, it was ever clogged with provisions which would make it wholly impracticable.

The next demand, Sir, is for the responsibility of the public officers, and a more intimate connection with the colonies of those persons composing the Legislative Council. Now, with regard to that subject, on which, unfortunately, there has been a wide difference of opinion between the Assembly of Lower Canada and this country, there was no objection, no opposition, to a compliance with the terms of that resolution of the Assembly. It was determined at once that the judges ought not to sit, with the exception of the chief justice, in the Legislative Council. A number of persons were added totally independent of the Crown, having no connection with office, and giving, on the whole, a great majority to those in the Council who were altogether unconnected with office. There was likewise an attempt made to introduce — which I always thought proper to be done — a greater proportion of French Canadians into the Council, by far the majority of new members of the Council being French Canadians. The Assembly might yet have said that these were persons not agreeable to their wishes or possessing their confidence. But the question is, whether they were not independent of office, and selected in connection with the interests of the colony. If other persons could be found, who, from their circumstances in the colony, and their independent position, deserved to be placed in the Legislative Council, that was a matter of arrangement and compromise, and not such as that the tranquillity of the colony should be disturbed with respect to it. Sir, I believe, as the matter stands at present, according to the last determination of Lord Gosford, approved by her Majesty's Government, there are forty members of the Council, of whom no less than eighteen are French Canadians, of whom many of those who are of English extraction are not likely to attend, being removed from the colony, and thus giving a majority on the total number of forty to the French Canadians, and of whom seven only hold any official connection with the government of the province. I say, therefore, that so far as the demands made in the year 1828 on this point went,—so far as the proposition then made set forth the nature and extent of the grievance complained of,—a remedy in both respects was willingly applied. Another question arose as to the application of the property lately possessed by the Jesuits to the purposes of general education. This demand was so far assented to that the whole of the property was applied to the purposes of education. The only grievance that now remained, and to which a subsequent resolution applied, was, that leases of the property were given to one person when there were other persons desirous of obtaining them. To that grievance — unless we were to say that the whole administration of this property should be intrusted to the friends and nominees of the Assembly — it would be quite impossible to give a further remedy. Another question related to the removal of all obstructions to the possession of crown and clergy reserves. Now, on this subject I will refer the House to a despatch of Lord Ripon, which I think does the highest honour to the wisdom of that nobleman, in which he says that he is ready to put an end to the former system, while, at the same time, he states that he is not ready to adopt the remedy proposed by the House of Assembly. The Noble Lord further states it to be his opinion that none of the particular lands alluded to, nor any lands in the possession of the Crown, should be given except for an adequate consideration, and points out that they should be sold at a fair price without any distinction being made or favour shown. The Assembly particularly adverted to the management of the waste lands, in consequence of which, they declared, applicants were excluded from competition, and prevented from holding the land by secure titles without much expense and delay. Lord Ripon says, "I must dissent from the view here taken by the Assembly, and must say, that a careful consideration of the subject induces me to think that the prevention in some degree of the extreme facility of buying land, instead of being injurious to the occupants of the crown lands, would be found favourable to their success, no less than to the welfare and prosperity of the province at large." Having stated this, he goes on to say, "I am of opinion that an end should be put to the system of setting apart any portion of waste lands to the support of the Protestant clergy, since a system which would be objectionable in rendering the Government independent of the Assembly would be still more objectionable when applied for the support of the ministers of religion." Lord Ripon adds, that in order to guard the governor against the slightest suspicion of partiality in the disposal of the lands, the utmost freedom of bidding should be encouraged, the greatest publicity given to the sales, and the lands, as a matter of course, secured to the highest bidder.

Now, Sir, I ask whether that proposition of Lord Ripon was not one more calculated to benefit the province, more fair in itself, less liable to any suspicion of partiality, and less open to the charge that Government might hereafter derive influence from the disposal of those lands, than that which the Assembly itself had made; and whether, for this grievance, a full and adequate remedy has not been proposed? Sir, there was another grievance, as I before stated, or rather another dispute. It was the dispute with respect to the duties derived under the Act of the 14th of George III. With regard to those duties it was urged, and no doubt rightfully urged, by those who then held the government of this country, that that law bound the Treasury abroad to appropriate the sum derived from those duties. It was urged, on the other side, though the argument proceeded rather by inference on the spirit of the constitution than on the letter of the law, that the Acts of 1778 and 1791, taken together, made it fit that the appropriation of these duties should be left to the Colonial Assembly. A committee recommended that the suggestion of the Assembly should be adopted, but recommended, likewise, that a permanent settlement should be reserved for the salaries of the judges and other officers. The Assembly, while it agreed to be responsible for what it had itself proposed, did not consent to carry the whole recommendations into effect. But what then was the conduct of the Government of this country? There was introduced into this House, in the year 1831, an Act, introduced by Lord Ripon in the other House of Parliament, which entirely repealed the power of appropriation by this country, and left it to the Assembly of Lower Canada (without condition, without stipulation) to dispose altogether of those duties. Now, I ask, could any remedy be more full — less hesitating? Could there be any remedy which showed a more generous confidence than that with which Lord Ripon proposed to meet the grievance that was submitted? It has been urged, certainly, and it may be contended, that the Government of that day went too far in making that concession. It may be said that this was an incautious assent to the demand of the Assembly. I am not of that opinion. I think, if Lord Ripon had made such a stipulation as that intimated, he would have been keeping up a cause of quarrel not sanctioned by the opinion of the mother country, and on a ground on which it was not safe to stand.

These questions of revenue, as stated in contradistinction to the House of Assembly, are most difficult questions to maintain; but when it was a question of duties, and of duties similar to those of which the Assembly had had the control, there were, no doubt, great arguments drawn from analogy in favour of other claims which had been urged. Well, then, if we had made it a condition that the revenue should be given up unconditionally, I think that we should have excited a quarrel with the Assembly on a point not sanctioned by the approval of this country, and one upon which it was still less likely that the other provinces of North America would have agreed with the Government of the mother country, and sympathised with the demand of the rights which she sought to exercise. For this reason, Sir, I think that the course which was taken by Lord Ripon embraced a wise as well as a generous proposal; but at the same time I am of opinion that it might have been expected that, after having made that concession, after having remedied whatever grievances were complained of, in the full manner which was proposed by the course to be taken by the Government, a disposition would be shown by the Assembly of Lower Canada to meet what had been done with a conciliatory disposition, and to consider the remaining grievances in a friendly and amicable spirit. I regret to say that this was not the case. In the year 1833, at the time that these questions had been either settled, or proposed to be settled, conformably to the wishes of the Assembly, a supply Bill passed that House of Assembly, containing the most unusual conditions, and providing that the persons holding certain offices should not be allowed salaries unless they ceased to hold certain other offices. Sir, these propositions may have been in themselves just or unjust, reasonable or unreasonable; but the Bill was rejected on the ground—which the Noble Lord opposite (Lord Stanley), who was then Secretary of the Colonies, approved — that these propositions were tacked to a money Bill, which, therefore, as a matter of supply, could not be passed in that shape. I think the Noble Lord was right in urging that these questions should have been proposed in a different shape. But, Sir, the supply Bill having failed in that year, in 1834 the Assembly met again, and adopted a new course, which has led to the present difficulties. I say that it adopted a new course, which led to the present difficulties, because, with respect to all that had been before stated — with respect to the investigation of the committee of the year 1828, which furnished the Report that was described as "an imperishable monument of wisdom and justice" — and with respect to their own statements in the reports and petitions of their Assembly, every grievance had been met, fairly considered, and adequately removed. Well then, Sir, what was the result — contentment, satisfaction in voting the supplies, and a more harmonious working of the Canadian constitution? Quite the reverse. The course taken was, that the Canadian Assembly passed ninety-two resolutions, some of grievance, some of eulogy, some of vituperation; some directed against individuals, some against the governor of the province, some against the Government at home; but all amounting to a long and vehement remonstrance, which they passed their whole session in framing, and they separated without passing any supply Bill whatever. This was the point of departure taken by those who caused a new breach in the proceedings of the Assembly. Those who on former occasions appeared before us as the able interpreters of their wants and wishes, at this time deserted the prosecution of their grievances. They comprised men whose names are known to this House, who have been most familiar with the history of Canadian affairs, and who had been the most able and intelligent in laying before the Legislature their grievances, and in many cases urging just grounds for redress — these men, when they saw that the object was to put a stop to the machine of government, and to make impracticable conditions, at once withdrew from the contest, and separated themselves from the violent party who took part in it. And on this occasion let me call the attention of the House to the benefit which is to be derived by giving a remedy to every real grievance.

There are some, prompted either by national pride or by a mistaken sense of honour, who say, "This petition is couched in unseemly or disrespectful language;" or, "This petition is pushed too far, and let us not, therefore, listen to it." Sir, it is the duty of this House, and of those who have the administration of public affairs in this country, to examine every real grievance, and to remedy it; and then you may be sure that, although there may be factious persons who may for a time lead the people astray, those who are sincere and honest in their complaints, those who seek not individual aggrandisement, but have the welfare of their country at heart, having obtained these, will support the Government in resistance to ulterior demands. Thus, by every remedy which you have applied, you gain additional strength in the new contest which is about to commence. Such, I believe, will be the effect, and such, we have already seen, has been the effect in the unfortunate contest of the present hour. But to return to the events which I feel it to be my duty to lay before the House, more especially as the whole case has never yet been submitted to its consideration. After the passing of these resolutions in the year 1834, there has been no occasion whatever on which the Assembly has voted the supplies to carry on the government. Yet, Sir, the Government of this country was not weary of endeavouring to remove all real grievances. At the end of the year 1834, the Right Honourable Gentleman opposite (Sir Robert Peel) became Prime Minister of this country. That he did not intend to adopt any harsh course with respect to the Canadian Assembly may be concluded, not only from his language in this House, but from the appointments which he made. One of the appointments made under his Government was that of Lord Amherst, who was sent out not only as a governor, but as an officer enabled to investigate and redress all grievances affecting the administration of the province. Sir, the character of Lord Amherst himself,—even if the object of his appointment had not been announced in the *Gazette* which contained it,—would show that at that time was appointed a person who, by his mild and conciliatary character, would remove every thing which he might find really affecting the interests or to injure the welfare of the Canadians. Sir, on the retirement of the Right Honourable Gentleman opposite from office, and the resignation by Lord Amherst of the post to which he had been appointed, the Government of Lord Melbourne, which succeeded, proposed to send a commission to Canada for inquiry into the grievances which had been alleged, giving them great latitude, as may seen by the instructions with which they were furnished, and appointed Lord Gosford as governor, with certain directions for his guidance. I shall take the liberty to quote the instructions which were thus given, because they show the spirit in which the Government thought that the affairs of Canada should be managed, and because I think they constitute an answer to some charges which have been made with respect to the government of the colonies in general. Lord Glenelg said, in his despatch to Lord Gosford, dated July 17., 1835:—

> It may, not, however, be improper to address to your Lordship one caution of a different nature. Whatever may be the ground of the disputes which have so long prevailed between the Executive Government and the House of General Assembly of the province, it could not, with any degree of truth, or even of plausibility, be alleged, that they have either originated, or have been prolonged, with a view to any interests, real or imaginary, excepting those of the people of Canada themselves. No motive could possibly be assigned as influencing British policy towards this part of his Majesty's dominions, except the advancement of the social welfare of the inhabitants, and the development of the resources of the country. In promoting these great ends, the King has found an object worthy of the noblest ambition and of the most earnest solicitude. Even if the counsels submitted to his Majesty for the government of Lower Canada were admitted to be as injudicious as they have been sometimes described to be; yet, even on that supposition, the singleness and disinterestedness of the motives by which his Majesty's confidential advisers have been actuated would be beyond dispute. What has Great Britain to gain by the misgovernment of so important a portion of the British empire? There is no single ground of national competition which could induce the metropolitan state to abuse her authority, or which should make that authority a subject of reasonable distrust to the Canadian people, if it could, with any justice, be supposed that those who are honoured with a place in his Majesty's more immediate counsels could be diverted by the sordid desire of patronage from the upright discharge of duties so clear and important as those which they owe to British North America. Yet it is demonstrable that so unworthy a motive has not exercised the slightest influence on their deliberations. I do not find, for many years past, a solitary example of any place, excepting that of the governor himself, and one or two of the chief officers of customs, having been conferred, in Lower Canada, on any person, except the settled inhabitants of the province, or in consequence of any recommendation but that of the governor. No British minister, during the present or the last reign, has ever used the patronage of British North America, either to promote his political power, or the personal advantage of himself or his connections. I need scarcely add, that his Majesty is firmly resolved to enforce the observance in future of the same just and liberal policy.

Sir, I believe it is impossible to deny the truth of the allegations made by the Noble Lord who is now Secretary for the Colonies. I believe it to be impossible, too, to deny that Lord Gosford, in undertaking the charge which he did, entertained an anxious desire to second the Government in their attempts to allay animosity, to remedy the grievances which were found to exist, and to establish harmony between the different parts of the Legislature of that province. I stated, last year, the various recommendations which were made by the commissioners, on the subjects which were proposed for their consideration. I am sorry to say that these recommendations were not even waited for by the Canadian Assembly. That Assembly thought proper to continue in the resolution which they had adopted, of determinedly refusing the supplies. They adhered to this course during the years 1835, 1836, and 1837, except on one occasion of a vote for six months, and that was given in so objectionable a manner that it could not be sanctioned. Their resolution, then, has been to put an end to the machinery of government, to stop entirely the possibility of carrying on the government; and thus have they made it necessary for this House to interpose with respect to the important questions which are submitted to it. I have stated, on a former occasion, that the course adopted by this House, in proposing to appropriate part of the revenues of Lower Canada, was not a measure of finance, but of defence. I adhere to that statement. In a constitutional government it is quite impossible, if the supplies be refused year after year, that the machinery of government can go on. If they were refused in this country, even for a single year, the most calamitous consequences would be produced. To refuse the supplies, is to disorganise the army; to refuse the supplies is to shake public credit; to refuse the supplies is almost to dissolve the constitution. Well, then, what was to be done on the refusal of the supplies by a provincial Parliament? There could be, in such a case, but one of two courses left to adopt; either to accede to all the demands, or to take some means by which the mischief might be remedied. It is quite impossible that the courts of justice, and all the other means by which the civil government is carried on, should be brought continually to a stop, in consequence of the refusal of the Legislature to vote the supplies. It, therefore, becomes necessary that one remedy or the other should be applied. Sir, I have already stated to the House, that as to the former alternative, it was impossible to adopt it. With regard to an elective council, the Report of the commissioners sent out by this country gives it as their belief, without discussing the abstract question of an elective council,—still less the policy or impolicy of its establishment in the North American continent, — that the consequence of such a change in the Legislature of Lower Canada would be to place the government in the hands of one of two extreme parties, and that from the resistance of the other party must arise the additional danger of a civil war. I fully believe the truth of the statement of the commissioners. I am persuaded that, after the dissensions which have prevailed, an elective council, representing the passions, the violence, and the desire for extraordinary changes found to exist in the Assembly, would be considered by the British settlers of the province as nothing else but a declaration that their interests would not be protected, and they would be thus driven to some other means to produce a change in the constitution.

Their next demand is, that the Executive Council should only be responsible to the House of Assembly. Sir, I stated, on a former occasion, that there was one place in which the power of the Executive could be thus entirely controlled, and that was at the seat of the Imperial Government. If the Sovereign of this country were to select those who had the confidence of the Crown, but who possessed none of the confidence of the House of Commons, there must be a speedy change in the Administration; and the constitution could only proceed in consequence of that change. But, in a colony, if the Legislative Council are to be named according to the will of the Assembly, there is another question which arises, namely, what is to become of the orders given by the Imperial Government to the governor of the colony? Are they to be placed in abeyance? Is he to be held responsible only to the Assembly, and to dismiss or drive away from the colony British troops, and to admit the ships of a power, perhaps at war with this country, into the ports of Canada? If the House of Assembly have not the power to make such restrictions, the Government must be made responsible to the Imperial Legislature. If they have it, then they are a supreme and independent nation, and a governor from this country has no place in that colony. Not only should there be, in that case, a responsible Executive, but every judge and public officer should be appointed, not according to the laws of the constitution, or the rule of the Imperial Monarchy of the mother country, but in accordance with the institutions and usages of that new and independent republic.

Another question in these proceedings was, whether a repeal should be granted of an Act passed by this country with respect to land in Canada, under which certain rights had accrued. Your commissioners said, and most justly, that it was impossible to take these away without doing an act of flagrant injustice to rights and titles granted under the sanction of an Act of Parliament. Another subject, on which we declared we had no objection to enter, was with respect to the Tenures Act. We stated, that we had no objection to any alteration that might be proposed in that Act, provided the rights, which could not be set aside without injustice, were justly and duly maintained and preserved. As we were obliged to declare that we could not, consistently with our duty to the mother country, and with the interests of our fellow-countrymen in Canada, concede these demands of the House of Assembly; and, as they had declared repeatedly that these were the only conditions on which they would consent to carry on the ordinary business of the constitution; I say, by their own act, and without any interference of the Imperial Power, the constitution was *ipso facto* suspended by themselves. Therefore we proposed, in that difficulty, —in that extremity, —when this House could not agree to the propositions of the Assembly, that some measure should be taken to remedy this extraordinary embarrassment, and that some measures should be adopted by which the judges and others, holding official situations, should receive what otherwise would have been voted, for the payment of their salaries, by the Assembly, and that the governor should have the power to appropriate these sums. Sir, I do not think that we went at all beyond the necessity of the case. At the same time, it was evident that the House of Assembly of Canada must either continue to suspend the constitution altogether, or must reconsider the grounds of their complaints. They had repeatedly declared that their misgovernment was owing to the Colonial Secretary of State, or to the Executive Government of this country, and that they relied on the wisdom of Parliament to remedy their grievances. On receiving, however, the resolutions which were passed by the British Parliament, they did not take the peaceful part of the alternative. They did not agree to look to other methods for the redress of the grievances of which they complained. Be it remembered, that when we said we could not agree to their demands, I stated expressly, myself, that if any mode of arranging the differences which at that period existed, could be pointed out otherwise than by the appointment of an elective council, we should be ready to undertake the consideration of it, and if possible to adopt it. I proposed, myself, certain mitigations as to the manner of appointment in future. Instead of having persons chosen by the governor, unknown to the inhabitants (a matter which has been frequently complained of), it was determined that the Executive Council should send their opinion with respect to the fitness of the persons intended to be appointed. When Mr. Roebuck, formerly a Member of this House, proposed that the Legislative Council should be abolished, I did not at once say that the proposition was inadmissible; but I wished to know whether the Assembly of the province proposed any remedy for that of which they had themselves complained? I did not propose the remedy which was suggested. I was not disposed to think it was well considered; but I felt that the course which was to be taken should not be one, in the face of the repeated resolutions of the Assembly, — declaring that the Imperial Parliament could not otherwise act for their benefit than by repealing all those Acts which they had described as inimical to their welfare. I could not, therefore, suppose that that proposition, which was entirely new, and at variance with all that had been suggested by the members of the Legislative Assembly themselves, would have been acceptable to the colonists. But what was the answer of the Assembly, in their meeting of August, 1837, to the resolutions of the House of Commons? Their answer was, that they would not suggest anything, — that they would not propose anything; but if the Government of England should think proper to propose certain modifications in the Legislative Council, they would endeavour to determine whether, for a time, the government of the colony could be carried on beneficially by such means. What was the meaning of this? After the repeated evasions which had been resorted to by the House of Assembly, it is evident, by this last proposition, that if we had introduced a plan for effecting any such change in the elective council, the House of Assembly would have said, "We rejoice that we have got rid of the Legislative Council, as an obstacle to our desires; but you have not fulfilled the whole conditions on which we rest our case, and we must insist, still, upon an elective council as the only means by which future harmony can be established." Is it not obvious that such would have been the answer? Is it not clear, from the spirit in which the controversy has been conducted, that this would have been the reply of the Canadians in answer to concessions volunteered by the Government? In August, 1837, therefore, the Assembly, having met, refused altogether to comply with the request of the Governor to grant the supplies, and persisted in their former demands, with the trifling admission that there might be a possibility of going on for a time. They were accordingly prorogued without granting any supplies.

Now, Sir, with respect to all that has

happened since the events of which I have been speaking, as there is a sufficiently succinct narration to be deduced from the papers which have been laid before the House—I do not, therefore, mean to refer to the despatches that have passed between Lords Gosford and Glenelg in any particular or detailed manner;—contenting myself, as those despatches are already in the hands of Honourable Members, with a simple reference to their most prominent features. It appears that soon after the reception of the resolutions of which I have just spoken, meetings were held in Canada, at which these resolutions were violently arraigned, the government of the colonies held up to odium and scorn, and at which, not unfrequently, the example of the United States of America was invoked as the one it behoved the Canadians to follow. Still it seemed, by repeated despatches from Lord Gosford, that he did not consider these demonstrations of much importance; and even in his later communications, he has more than once said that he thought the system of agitation had failed in producing the effect which was desired by its abettors; that a better spirit was beginning to prevail, and that many, who were but a little time previously favourably disposed to the alleged objects of the movement party, had lately expressed themselves as better inclined to the Government of the mother country. But, Sir, it appears that after the meetings I have described had gone on for a considerable time, others began to be held, which were certainly of a more formidable character. Lord Gosford's attention having been called to their existence, and to the propositions discussed before them, he conceived it to be his duty to dismiss from the militia certain officers who had taken part at these violent, and I will say, seditious assemblies. Upon this the people met, and after most violently impugning the conduct and motives of the governor for their dismissal, they proceeded to elect officers for themselves; and passed resolutions pledging themselves not to submit any case of theirs to a magistrate holding authority under her Majesty, and concluded by declaring themselves ready to act in any manner they should be required under certain "pacificators" appointed by themselves, these being the officers of the militia who had been dismissed by Lord Gosford. It was obvious from the very selection of these officers, and from the people proceeding to obey their commands, that the intention was to throw off all allegiance to the mother country. But, unfortunately, matters did not stop here. These seditious assemblies continued to be held; and, goaded on by the inflammatory declamation of the orators, the mob proceeded, in many instances, to acts of personal violence against all who refused to obey the mandates of these illegal meetings. Parties went round at night threatening with destruction all who refused to join the ranks of the disaffected; in many instances houses and property were destroyed, and the extreme vengeance of an infuriated rabble was held out to menace those officers of the militia who had not been dismissed by the governor and evinced an inclination to perform their duties with loyalty and fidelity. On the 2d of September, Lord Gosford, in a despatch to Lord Glenelg, says:—

> It is evident that the Papineau faction are not to be satisfied with any concession that does not place them in a more favourable position to carry into effect their ulterior objects, namely, the separation of this country from England, and the establishment of a republican form of government. M. Papineau has gone such lengths, that he must now persevere in the course he has taken, or submit to a defeat, which would annihilate all his power and influence. The plan he pursues clearly shows that he is determined to do all that he can to obtain his ends. The violent and unjustifiable attacks which have been made by the ultra Tory party upon the French Canadians generally, have caused an animosity which M. Papineau does not fail to turn to acccount, and I attribute much of his influence over so many Members in the Assembly to this cause. M. Papineau has emissaries in various directions; and though I do not conceive there is any ground for alarm, still great caution and vigilance are required to guard against the evils that might follow from the attempts making to excite discontent among the people by the most abominable misrepresentations. The executive requires more power, and under my present impression, I am disposed to think that you may be under the necessity of suspending the constitution. It is with feelings of deep regret I state this, but duty compels me to communicate it to you.

On the 8th of September he again writes,—

> We can now make no terms with Mr. Papineau; you must either put him down, or submit to let him put you down; there is no halting between two opinions. By at once increasing the power of the executive, and suspending the constitution, you at once paralyse the designs of these mischievous men. It would establish confidence in the minds of those disposed to peace and good government, and, at no distant period, you might be solicited to restore the constitution to the province, under arrangements better calculated to afford satisfaction, than could be accomplished by any effort or proposal in the present state of things; for, until you nullify Papineau's power, you can never be in a position to treat on anything like fair and liberal terms, with a man of his extravagant, uncompromising, destructive views, exercising, as he does, complete

> control over the minds of many who have been too long accustomed to be under his yoke.

Notwithstanding the positive tenour of this despatch, I find that on the 9th of September Lord Gosford wrote to say that he did not believe the disaffection to be wide spread. He observes in this despatch —

> That this state of affairs seriously augments the difficulties of carrying on the government and operates most injuriously upon the welfare and prosperity of the province, muss be quite obvious. With the exception of some of the counties in the district of Montreal, I believe the mass of the population is contented and loyal, and that the attempts that are making to shake its allegiance and to create confusion will be unsuccessful.

At a further period, however, there did occur a collision in the streets of Montreal between two parties, the one calling themselves the followers of M. Papineau, and the others adherents to the constituted government, under the designation of the Doric Club. This was very soon after followed by information of so alarming a tendency, that the governor of the province conceived it to be his duty to send the Attorney General to Montreal to collect all possible information upon the subject, and to write to Sir John Colborne to ascertain what might be his means of putting down any disturbance that might arise. It appears that the Attorney General very soon obtained what he conceived sufficient evidence of secret and unlawful organisation; and in consequence he determined on putting on trial, for what was termed high treason, several of the leaders in these disturbances in the Montreal district, and the requisite orders for their immediate arrest were issued. Accordingly a troop of mounted police and volunteer cavalry were sent out upon this service. They seized the individuals who were so charged, but were subsequently obliged to relinquish their prisoners, and came back without having accomplished their purpose. It appears that afterwards, when Sir John Colborne, in the exercise of his duty, sent out troops to obtain possession of the guilty parties, an armed rebel force was found prepared, in the villages of St. Denis and St. Charles, to resist the Queen's troops, and then an open insurrection broke out. I imagine, Sir, that when matters came to this point, there could be no doubt on the mind of any man loyally disposed as to the object really sought: no man so disposed would deny—indeed, I hope, no man so disposed would attempt to deny—that it was the duty of the governor of the province in which these acts of insubordination and rebellion took place, to take every means his position afforded him to restore tranquillity and protect the well-disposed of her Majesty's subjects. Fortunately, Sir, most fortunately, the person who is intrusted with the military command of the troops in Canada is one intimately acquainted with the country in which he has to act, and endowed with all the vigour of intellect and firmness of purpose requisite for his highly important station. Sir John Colborne immediately adopted the steps the occasion required; and, Sir, as far as we have been able to learn, up to the present moment he has been successful; the result of his measures has been the defeat of those who were in arms against the troops of her Majesty, and the restoration of tranquillity at least for the present, to a great portion of the disturbed district. So far, therefore — although in common with all I must lament that civil war should prevail in any part of her Majesty's dominions — I think we have all common cause of congratulation; I think, Sir, there can be but few — I think there can be but very few — to whom it can be a matter but of great satisfaction that her Majesty's troops have been successful in the performance of the service they where legally and constitutionally employed upon. I do trust, Sir, that, in the course of this or any subsequent debate on this subject, we shall hear no more of those inconceivable wishes, of those guilty hopes, that the armies of her Majesty may encounter defeat, and the British flag be covered with dishonour!

I do trust, Sir, and I do believe, that if such a feeling exists at all — and the balance of my opinion, I am bound to say, is against its existence — it is confined to a very limited portion — I will not say of this House, but of the whole population of the empire. This, at least, is clear, that with respect to other portions of our North American colonies, with respect to Upper Canada — although a base traitor of the name of M'Kenzie has attempted to disturb that province — that in Nova Scotia, and New Brunswick, the feeling, altogether worthy as it is of the British origin of the inhabitants of those colonies — I may say the universal feeling—has been one of loyalty to the British Government, and attachment to the connection with the mother country.

Sir, we have seen that not only have the regular authorities connected with the Government of Lower Canada exerted their faculties to the utmost to suppress these unfortunate disturbances,—not only has Sir J. Colborne acted with a promptitude worthy of his character, but even in the disturbed province, as well as in others, meetings have been held, and volunteers have come forward, to exhibit the depth and sincerity of their attachment to the constitutional government, and the desire for the continuance of the connection between the provinces and the mother country; and, Sir, while upon this subject, let me state, I was asked, at the commencement of this Session, whether the Government had not received intelligence of an increased amount of desertion among the British troops employed in Canada? At the time this question was asked, I was not aware how the fact was, and I answered accordingly; but I am most happy in now being able to state that, upon inquiry, I find desertion among the troops in Canada, so far from having been on the increase, has, during the past year, considerably diminished in amount. I will not deny, nor is it to be wondered at, that British soldiers in that province should feel sensible of the temptation of independence, high wages, and plentiful living, held out to them as the consequences of leaving their regiments. But my belief is, that those soldiers who have yielded to these temptations and abandoned their posts have done so, not from any desire to embarrass the Government, but under the conviction that their places would be filled up by new recruits. The Honourable Gentleman who asked me the question may, perhaps, be surprised that, with the addition to his ordinary duties, the prospect of a civil war, a winter campaign in Canada, and the very severe hardships to which, under these circumstances, he must be subjected, —these should not increase the desire to desert on the part of the British soldier; but when I tell him that my supposition, the reverse of his, is based on these very circumstances, I think his surprise will be increased. My impression is, that the British soldier in Canada, as elsewhere, when the question is, whether he shall remain in the discharge of his duty, to become actively engaged in the maintenance of that allegiance to which he has sworn, — the honour of that country to which he is attached, — liable to all the hardships to which he may be exposed — will only be the more induced to remain; not only will he not hesitate as to the course which it will be proper for him to pursue, but, defying all these hardships, in such circumstances of danger, he will be found true to his sovereign Queen and to the country from which he has sprung. I state this as my sincere conviction. I know not what may be the impression entertained by the Honourable Member for Westminster; but the opinion which I have stated to the House I believe to be the general one upon the subject.

I have now, Sir, stated the course which has been pursued by the British Government from the commencement of our connection with Lower Canada to the present time. I think, Sir, I have sufficiently shown that there is no just ground for reproaching her Majesty's Ministers with tyranny or oppression, with corrupt or sinister ends in their government of that colony. I come now to a question which has been argued in a very different temper — in a temper and a manner for which I must offer my meed of praise to the Honourable Gentlemen who have taken part in it. The question is, whether it is for our interest, setting apart all consideration of the justice of our cause, to abandon Lower Canada altogether, and separate that colony from the British Crown? Now, I will reply at once, that I, for one, cannot bring my mind to that conclusion. I say, at once, that those motives to which I have referred, of attachment upon the part of a considerable portion of the population of Lower Canada to the British Crown, and the situation to which they would be reduced if this country were to abandon them, — these considerations, alone, form a sufficient reason to induce me to answer "No!" to such a proposition. I ask the House, would they be ready to desert the men who are now so nobly evincing their loyalty — would they leave them exposed to the angry passions of a hostile and excited people — to leave them open to the plunder that would be inevitable on a separation? And if they would, I then ask them, could they do so consistently with justice, and with the maintenance of the high character of the British nation? But, if the reasons I have mentioned were insufficient, there are still other considerations which should induce the Government to oppose any project of abandonment. If we were to acquiesce in such a proposition, the Upper province would, doubtless, place themselves under the protection, and become part, of the United States; and, in my opinion, they would have good reason for doing so. Then, supposing the St. Lawrence under the command of the United States, and a Canadian republic established at Quebec, does any one believe that the other provinces, the provinces of Nova Scotia and New Brunswick, could be retained without a contest? Should we not, at a very early period, have to undergo a contest in which the question would be, whether we should regain Lower Canada, or abandon North America altogether? I am not prepared for such an alternative. I do believe that the possession of our colonies tends, on the one hand, to the wellbeing of the colonies themselves, and, on the other, it augments the power of the British empire. On the preservation of our colonies depends, in a very great degree, the continuance of our commercial marine, and on our commercial marine mainly depends our naval power, and on our naval power depend the strength and stability of the nation.

It is to these considerations I look more particularly, and not so much to the abstract question of the right of a particular party to declare themselves independent; and I say, Sir, as regards our policy, and in justice to a large number of our fellow-subjects in Lower Canada, that we cannot, with any consistency, abandon Lower Canada. Sir, I have thought it necessary to address the House at this great, I fear too great, length on the subject of our affairs in Canada, because I do think it is most important that Parliament and the country should be put in possession of the whole of our proceedings, with respect to that colony—that the case should not be confined merely to the insurrection at this moment under discussion, but that we should review, and be prepared to argue and discuss, the whole of the question of our former conduct. I say, for my own part, if I thought our conduct was founded in injustice to any party, I should at once be prepared to retreat from it. I say, also, that if I thought it was not to the interest both of the colony itself, as well as of the mother country, that the existing connection between them should be continued, I should then be prepared to consider the question as to what manner an amicable and advantageous separation might be best effected in; but coming, as I do, to a decided conclusion—a positive determination—upon both these questions, I am prepared and now propose to enter into the further question, such being our determination, as to what course we should, under existing circumstances, pursue. No man who admits these premises can doubt that the first duty of the Government, and the House, if it concur with the Government, will be to propose the adoption of sufficient means to put down the insurrection. I am not about to argue the question whether or no the present Government are to blame for not having, at the present moment, a greater military force in Canada? The question which I wish to propose, this evening, to the House is, whether they are prepared to maintain the authority of the Crown in Lower Canada—and not whether her Majesty's Ministers are to blame? I see a Noble Lord opposite who is reported to have said, that Ministers ought to appear at the bar to account for this insurrection having broken out. If that Noble Lord, or any other Honourable Member wishes to raise that question, let him raise it. The Government will then be prepared to meet him. If, at the same time, the Noble Lord considers that there was an inadequate military force in Canada, I would advise him to consider two points—first, whether any authority, civil or military, or any body of persons, last year, held the opinon that the force then in Canada was inadequate and ought to be increased; and secondly, whether that force has, up to the present moment, been found to be inadequate for the suppression of the disturbances? In reference to the first point, we should inquire whether Lord Gosford, Sir John Colborne, or any of the other civil or military authorities of Canada, had given reason to the Government to apprehend that it would not be found sufficient? But, as I have already said, I do not wish now to argue that question. If, at any future time, any Honourable Member shall think fit to bring this question before the House, I shall be prepared to maintain that we, her Majesty's Ministers, are in no way deserving of censure for the course we have adopted. The question for consideration to-night is, what means we ought to adopt with a view to the maintenance of her Majesty's power in the colonies. The question is, as to the means which we are all disposed to concur in. In the first place, it is absolutely necessary that a very sufficient force should be landed upon the banks of the St. Lawrence upon the opening of the navigation in that river during the ensuing spring. For my own part, I have no apprehension as to what may be done in the mean time by these insurgents, who seem to have been led by very few, and to have been abandoned in the hour of need by their original instigators—abandoned, too, by the greater portion, not only of the British, but of the French Canadian population. Of the results, I say, I feel little apprehension. But it is obvious, that when insurrection has once broken out, there will be a temptation, which to many will prove probably irresistible, to shake the British power in that quarter. When I say this, let me not be understood as intimating that there is likelihood of any treaty being violated, or of any relation at present subsisting between Great Britain and the other great Powers of Europe, as well as the United States of America, being broken through in connection with this question. What has been already done upon this subject, by the authority of the United States, points, in my estimation, to a result quite the contrary. But it is also evident that there are, both in Europe and in America, individuals whom the inducement of prospective plunder, held out by these "Sons of Liberty," as they style themselves, in Lower Canada, will prompt to endeavour to obtain possession, by means of the sword, of that property in America which they have vainly sought to secure at home; and it is for this reason, even though circumstances may, in the end, prove that the precaution is unnecessary, that I think it will be quite proper that we should be prepared for action by the next spring, and have in the St. Lawrence, ready for disembarkation, a force sufficient to put down every vestige of the insurrection. But the next question to be considered is, with respect to the civil government.

After what has taken place, it is quite impossible to think of convening the Assembly of Lower Canada, or of asking that body to pass any laws for the government of the province, or to meet the existing state of affairs. Unhappily, some of the most prominent persons in that Assembly are involved in this treasonable conspiracy which has been entered into, whilst among other of its members so much of prejudice and irritation prevails, as to render it totally useless to call them together. No good could be expected from such a step; and, in fact, they have already suspended the constitution, and almost rendered such a proceeding impossible. It remains, therefore, to be considered, what can be done to meet the exigencies of the case, without convening that Assembly, to restore peace to the province, and to put an end to the insurrection which has taken place. The plan I propose in the Bill which I shall presently ask leave to introduce, is, to suspend such parts of the Constitutional Act of 1791, as render the meeting of the Assembly imperative, and to create a council for assisting and advising the Governor during the period that the constitution, as far as relates to the Assembly, may remain so suspended. At that council I propose that there should not be less than five persons, and every measure on which it shall deliberate shall originate with, and be brought forward by, the Governor. I propose that the powers of the Legislature which may be necessary for the government of the province, should be entrusted to that body. I do not, however, propose that they should have the power of changing the constitution of the Assembly, or that by any rule enacted by that Governor and Council, the system of representation in this colony should be altered, or that the connexion with the mother country should be disturbed. Any Acts that may expire, and which it may be necessary to renew, or any new Acts which circumstances may call for, will be provided for by that body.

But while these measures will tend to give greater authority to the Government, and enable them more effectually to restore peace and tranquillity to the province, the question still remains, — what manner of constitution is to be given to Lower Canada? It is, undoubtedly, the intention of her Majesty's Ministers that a free constitution should exist in that colony; and for this purpose I would not limit the authority of the governor, but the authority of the law which he will have to administer. If there be any who think that the present occasion ought to be taken to adopt any other than a free government in Canada, or that the English party should have a concession made to all their wishes, and that the French Canadians should be subjected to a form of government unpalatable to them, or one from which they could not expect full justice, or the due consideration of their interests; — I have only to say, that to such a proposition her Majesty's Government will be no parties. We propose but to do that which we consider the interests both of the mother country and the provinces require. We do not propose to govern Canada in any other way than that which must tend to the welfare of its inhabitants. I am firmly of opinion that the difficulties which have hitherto prevented an adjustment of this question have entirely arisen from the peculiar constitution of the House of Assembly (convened, unfortunately, at the will of one ambitious demagogue) and of a Legislative Council, in the composition of which, by former governors, the interests of the provinces and the characters of the individual men were not sufficiently consulted. I think, therefore, that with respect to the Legislative Council, the mode of representation, and the tenure of lands,—these being the principal questions on which the alleged grievances of the Canadians are based,—a satisfactory adjustment may, in the course of time, be arrived at. I think, however, that it would be most unwise to enter into any details of the measures to be adopted in regard to these questions, because, in the first place, I doubt very much whether we have before us all the elements upon which to form a right decision; and, also, because I know that, in America especially, there is a considerable degree of jealousy felt as to the precise terms of such an adjustment. I think, nevertheless, we have sufficient before us to justify our expressing an opinion that a consummation so much, in every sense, to be desired, is not considered by us either impracticable or even difficult. I shall propose, therefore, that the governor and his council, with a view to this final adjustment, shall have recourse to the opinions of the American authorities themselves, summoning, for that purpose, a kind of board, to consist of twenty persons, of whom ten shall be representatives of the Upper, and ten of the Lower province; and a council composed of three members from each of the present Legislative Councils, thus making, in the whole, a council of twenty-six members. I do not, however, propose —I should not be justified in proposing —that the final settlement of this matter should be left to this body, in conjunction with the Governor. The Imperial Parliament is naturally the supreme legislative authority in the British empire, and I do not think we should, on this occasion,—on this so important and solemn occasion, — depart from the principle so invariably advocated by every great statesman and lawyer, of leaving to it in such matters the supreme control. I therefore propose that the propositions which may emanate from this Assembly, after having been assented and agreed to by the governor, shall be transmitted to this country, and then proposed to Parliament, with a view of making such modifications in the constitution of 1791 as may conduce to the interests of all, and eventually prove the foundation of an harmonious, and, I would add, a free constitution for the people. I do not despond. I say that such a foundation may be laid.

At the same time it is, I think, most important that the person to be sent from this country shall be one whose conduct and character should be beyond exception —that he shall be possessed of all those qualifications that are necessary in order to ensure success in such a matter. He should be conversant, not solely with matters of administration, but with the most important affairs which are from time to time brought before the Parliament of this country. I think he should be conversant also with the affairs of the various states of Europe; and, moreover, that it should not be supposed by his nomination that he was at all adverse to opinions the most liberal, but that he should rather have a leaning to popular feelings and popular rights, than have the smallest tendency to arbitrary power. Having said this much, I know not why I should refrain from stating that her Majesty has been pleased to entrust the conduct of this affair, and these high powers to one whom her advisers think in every respect fitted for the charge, namely, the Earl of Durham; and the Earl of Durham, having accepted the office, will be duly nominated to it.

Such is the outline of our plan; and without going into further detail, I will simply state my conviction, that all the questions in dispute are capable of settlement, and I look with confidence to a final adjustment of them. I will now proceed to say a few words as to what I think are the advantages which are at present enjoyed by the people of Lower Canada, and which would make it most desirable for them to continue their connection with the mother country. It is the general opinion of all persons who are conversant with the subject, that there is no people on the face of the globe who are in a condition of greater comfort and ease, or who enjoy more extensive and peculiar advantages, than the *habitans* of Lower Canada. Such is their present condition. Let us consider also, that while they are permitted the full enjoyment of those laws which are congenial to their own habits, feelings, and prejudices, they have all the benefits which are derived from British laws also. It is certainly true that, with all these advantages, they do not enjoy complete independence: that is, they do not enjoy that absolute freedom, which can belong only to the mother country. But, Sir, in return for that disadvantage (if, indeed, it be a disadvantage), there are circumstances which go far to compensate them. Among the first of those circumstances is the privilege which they possess of being defended from foreign attack by the armies and by the navies of this country, without any charge or expense to themselves. In the last year a sum of 220,000*l.* was voted for the naval and military defence of Canada, of which sum not above 1200*l.* or 1500*l.* was paid by the Canadians. What would they have to pay if they were in the situation of the United States? In the last year the charge for the naval and military expenses of the American states was little less than 5,000,000*l.* Then, again, with regard to taxation. The taxes in the Canadas are exceedingly light. The disposition of the revenue is also in the highest degree favourable to the interests of the people. The largest annual sum that has been voted in Lower Canada (I speak in round numbers) was 157,000*l.* Of that sum 57,000*l.* was appropriated to the expenses of the civil government; 70,000*l.* to the expenses of roads, enclosures, and other internal improvements; and 29,000*l.* to the purposes of education. Now, Sir, if we were in this condition, if all we had to pay for the expenses of the civil government and for the maintenance of our establishments, was no more than one third of our revenue, and that the remaining two thirds were applied to the purposes of education and for the benefit and improvement of the country, I think we should be considered to be in a much more enviable situation than we are now. But, Sir, if the people of Canada have no great reason to complain of the laws under which they live, — if they have no great reason to complain of the taxes which are imposed upon them, — if they have no great reason to complain of the disposition of their revenue, — still less reason have they to complain on the subject of trade. With respect to trade, it has always been admitted that an Imperial Legislature has a right to compel a colony to receive the produce of the mother country, and a right to restrict that colony in its commerce with other nations. But I would ask, if the Canadas were separated from Great Britain, — if Great Britain and Canada were two independent nations, — could there be any treaty of commerce entered into so favourable to Canada as the system which is now pursued by this country towards that colony? Why then, Sir, if this be the condition of Lower Canada, — if the people are so happy with respect to their internal condition, to their laws, to their finances, and to their trade,—I think I have a perfect right to come to this House and to ask it to agree to the proposition which I am about to make to them.

Sir, the address which I mean to propose, after "thanking her Majesty for her gracious communication of papers relating to the affairs of Canada," and after assuring her Majesty that the anxious consideration of this House shall be given to the preparation of such measures as the present exigency may require, proceeds, "to express to her Majesty our deep concern that a disaffected party in Canada should have had recourse to open violence and rebellion, with a view to throw off their allegiance to the Crown. To declare to her Majesty our satisfaction that their designs have been opposed, no less by her Majesty's loyal subjects in North America than by her Majesty's forces; and to assure her Majesty, that while this House is ever ready to afford relief to real grievances, we are fully determined to support the efforts of her Majesty for the suppression of revolts and the restoration of tranquillity." Sir, I think I have laid quite sufficient grounds to induce all to consent to repose this confidence in her Majesty and her Majesty's Government, who are, with me, not prepared to give immediate independence to the British provinces in North America. Although, I repeat, that I am not prepared to give such immediate independence, this I will say, that if the time were come at which such an important change might be safely and advantageously made, I should by no means be indisposed to give the 1,400,000 of our present fellow-subjects who are living in the provinces of North America a participation in the perfect freedom enjoyed by the mother country. If this were a fit time, if circumstances of all kinds were such as to render such a change desirable, I think it would then be proper for the British Government to say, that those colonies might with propriety be severed from us, and formed into a separate and distinct state, in strict alliance, offensive and defensive, with this country.

MR. HUME and MR. WARBURTON. — Hear, hear!

LORD JOHN RUSSELL. — The Honourable Member for Kilkenny and the Honourable Member for Bridport cheer this sentiment. I repeat, that if circumstances had arrived at such a state in the colony as to justify us in saying that the time for such a separation had arrived (which I utterly deny), we should then have, as allies, men influenced by the most amiable and affectionate feelings towards the mother country; not men who would wish to see the British arms defeated, or who would entertain the aspirations that the power of Great Britain might sink into insignificance and contempt. On the contrary, I am convinced that we should find in them men who would cheer on the efforts of this great empire, who would reverence our character, and enjoy our triumphs. But for such a change, the time, if ever it shall come, has not yet arrived. It is not for the interest of Britain, nor of those provinces, which enjoy great advantages from their connection with this country, nor of that population which is proud of their position in regard to the mother country, that a separation should take place. Then, Sir, if the time is not come for a final separation of the two countries, I would say, do not think of separating to benefit a party who have carried their ambitious designs to the length of open rebellion. If you were to do so, you would, indeed, create a civil war; you would, indeed, give occasion for bloodshed, for you would cause the destruction of property; you would excite to plunder and pillage; you would give the signal for a long and sanguinary interruption of public tranquillity: and if it be supposed that a free, a happy, and an orderly républic could be thus established, in that expectation you would most signally fail.

Sir, such are the reasons and such are the grounds on which I ask this House to assent to the address which I am about to propose. I feel confident that the House and the country will do her Majesty's Government the justice to believe that they entertain no wish to avail themselves of the means which, they trust, will be placed at their disposal — for purposes of severity, still less of vengeance, with reference to the misguided people who have been induced to take a part in this insurrection. I am sure that no one can be more anxious than the Noble Lord the present governor of Canada, and I am sure that no one will be more anxious than the Noble Lord who will succeed him, to make the present warfare as little attended by circumstances of a painful and sanguinary nature as possible. I feel confident that they will consider clemency the best road to reconciliation; for I also feel confident that the defection of the greater portion of those who have been led into rebellion in Lower Canada may be justly attributed to ignorance. The few really guilty, the designing men who have exasperated others, and induced them rashly to appeal to arms, will hereafter be held in detestation by their own countrymen. Confident as to the issue of this contest, I shall feel it my duty, when that contest is terminated, to call upon this House to reward those who have been faithful to their Sovereign, to their country, to their oaths, and to the integrity of the empire. I now move, "That an humble address be presented to her Majesty, to thank her Majesty for her gracious communication of papers relating to the affairs of Canada.

"To assure her Majesty that the anxious consideration of this House shall be given to the preparation of such measures as the present exigency may require.

"To express to her Majesty our deep concern that a disaffected party in Canada should have had recourse to open violence and rebellion, with a view to throw off their allegiance to the Crown.

"To declare to her Majesty our satisfaction that their designs have been opposed no less by her Majesty's loyal subjects in North America than by her Majesty's forces; and to assure her Majesty, that while this House is ever ready to afford relief to real grievances, we are fully determined to support the efforts of her Majesty for the suppression of revolt and the restoration of tranquillity."

The address was then put from the chair

Mr. HUME. — I am very unwilling to trespass upon the House, but am, nevertheless, desirous to state, shortly, the view which I take of the question under consideration. There was one observation made by the Noble Lord which gave me great satisfaction. The Noble Lord has stated that he is sure the House and the country would be anxious to have all the facts relative to the occurrences in Canada fairly and fully before them. Now, it is because I know that the House and the country have not all the facts relative to the occurrences in Canada fairly and fully before them, that I cannot agree to the proposed address, and still less to the proposition for suspending the constitution of Lower Canada. I know very well that the Noble Lord has a great advantage over me in calling the attention of the House to the subject, without having previously given the smallest intimation of what it was his intention to propose. The Noble Lord has carefully concealed his plans from every body; and now, after a long statement of the past history of Canada, he comes forth with a proposition to suspend the constitution of Lower Canada. I will take upon myself to say, that the Noble Lord has not dealt fairly with the House in stating that they were in full possession of the facts which have led to the present condition of things in Lower Canada, and which ought to induce them to adopt the extraordinary and unconstitutional course which the Noble Lord now proposes. I agree with the Noble Lord in one statement, that it was the intention of Parliament in 1791 (and I will not enter at all into the Noble Lord's previous statements) to give to the people of Canada all the advantages of a representative body, similar, in every respect, to the House of Commons in the mother country. If, however, the Noble Lord would read the speeches of Mr. Fox, and the other Honourable Members of that period, correctly, he would find that the Legislative Council was an experiment to try whether a body could be introduced into the Canadian constitution similar to the House of Lords. That experiment has been made, and it has entirely failed.

The Noble Lord has admitted that the avowed object of the Act of 1791 was to provide for the welfare of the Canadian people. The Noble Lord, however, has utterly failed in showing that it has had that effect. The Noble Lord has entirely omitted this part of the case; he, however, has dwelt much on what he terms the violence of the people of Canada; but if he had attentively weighed what has been done, he would have found that the fault did not rest with the representatives of the people of Canada, but with the Legislative and Executive Council, which did not represent them. The governors and their assistants were to blame, with perhaps one exception. It was stated in 1828, by the Right Honourable the then Vice President of the Board of Trade, that it was the intention of the British Parliament to give to the Legislative Council an infusion of a majority who represented the popular feeling. It is, however, folly to say that anything of that kind has been done; the great majority of the Legislative Assembly was then, as now, composed of French Canadians; if, therefore, a disposition existed at the period to which I allude, to bring the different bodies into a state of accordance, that could only have been accomplished by giving the same party a majority in the Legislative and Executive Councils. Could any rational person suppose that the Government of so distant a colony could be satisfactorily carried on by two parties so differing in opinion, and whose interests were so opposed to each other, as the Legislative Council and the House of Assembly in Lower Canada? There can, then, be no doubt that the intention, in 1828, was, that the people of Lower Canada, being fairly represented in the House of Assembly, the Legislative Council and the Executive Council should contain so many persons who had a stake and interest in the country, that it would be probable the opinions of those councils would coincide with the opinions of the House of Assembly. That intention, however, was not carried into effect. On the contrary, the persons who are selected as members of the Council are not such as are at all calculated for that purpose. This the Noble Lord has, in fact, admitted. Ought he not, then, to pause, before he comes to this House to propose the entire destruction of the representative body? The Noble Lord was, in my opinion, to blame, in so severely commenting upon the conduct of the House of Assembly. The Noble Lord ought to have looked at the proceedings during the government of Lord Dalhousie. I could have wished that the Noble Lord had told us what, in his view of the question, were the powers vested in the House of Assembly; and had then proceeded to show in what respect that body had exceeded their authority, and what charge existed against them of a nature so serious as to demand their destruction. Could anything be more legitimate than that they should employ themselves in examining, item by item, the articles of the Civil List? From the year 1820, when Lord Dalhousie was governor, the right possessed by the House of Assembly to exercise this scrutiny has been acknowledged. And now, if the acting upon this acknowledged right be termed by the Noble Lord an offence, in my opinion the Noble Lord will entirely fail in proving it to be one. Whoever knows anything of the privileges of the House of Commons, must acknowledge that one of the most valuable of those privileges is, that of investigating the Civil List. Instead, therefore, of being a charge against the Legislative Assembly of Lower Canada, their exercise of this privilege ought to redound to their praise. It is the Legislative Council who have, on all occasions, thrown impediments in the way of beneficially governing the country.

The Noble Lord has referred to the instructions which were given by Sir George Murray, when he was Secretary of State for the Colonies, and said that those instructions were liberal in their character. I admit it. But have those instructions been acted upon? I can state, on the authority of those who, being on the spot, are perfectly competent witnesses, that they have not. I by no means blame Sir George Murray, whose intentions I believe — and I have always said so — were good. But I also said, and I still say, that it is impossible satisfactorily to govern any colony at a distance from the mother country, if the persons in authority in that colony have no feeling in common with the inhabitants of such colony. Up to the present moment, the persons in authority in Lower Canada have been aliens in that colony. This was proved by the petition to the House of Commons in 1828, signed by 87,000 inhabitants of Lower Canada, nineteen twentieths of whom were landed proprietors, forming an overwhelming majority of the population. In the Legislative Council of Lower Canada, there was only one person interested in the soil. The other Members of that council were either official persons, or people from England, who had no interest in the soil. Was it possible that Sir George Murray, or any other colonial Minister, could satisfactorily administer such a government as that of Lower Canada under such circumstances? Out of 340 civil officers, only forty were Canadians; the rest were persons such as I have just described. Here is the origin of all the evils that have occurred. Could anything be more extraordinary than that, at a time when we were anxious to be relieved from all the expenses of the colony, we should refuse to listen to the proposition of the Legislative Assembly of Lower Canada, when they stated their perfect readiness, — provided they were permitted to fix the amount of salaries to be paid to each officer, and the number of civil officers which they thought necessary, — to take the whole burden upon themselves? Why was so reasonable a proposition refused? and who would have supposed that offence would be taken by the colonial government upon that ground? The present system of lavish and extravagant expenditure has been maintained only for purposes of abuse and corruption. I have frequently stated that the people of England are taxed, not for the benefit of the colonies (for they do not want it), but for the benefit of a few individuals. We have voted away the public money in this House for the purpose of continuing a system of abuse and misrule in our colonies. Is it fitting that the House of Assembly should be blamed for endeavouring to perform one of their most important functions, — that of examining any branch of the public expenditure, item by item?

I can show the representations of the governor of that day, stating what would be the result if the people of Canada should succeed in obtaining what they ask for in that respect; the result so much feared was, that the large salaries which many of the members of the council enjoyed would be interfered with; and therefore it was that that body systematically set their face against all measures of improvement. Nearly ten years ago I stated in this House that Sir James Kempt was the only governor of a colony I had ever known, against whom no complaint had ever been sent home; and I will take upon myself to say, that if Sir James Kempt had been permitted to act in accordance with his own wishes, and as he did on one occasion, the present posture of affairs would never have existed. One of the grievances of which the Legislative Assembly complain is, that the same individuals hold judicial offices in addition to five or six other appointments, to all of which salaries are attached. Now it has been charged against the Legislative Assembly that they have refused to pass the Supply Bill necessary for paying the salaries of the judges and other public officers in the colony, and by their refusal have brought the Government to a standstill. I can show that this is incorrect. I can show it from Lord Gosford's address in February, 1837. Lord Gosford, in his address to the House of Legislative Assembly at that time, said, that he had directed the estimates for the year to be laid before them, as also the account of the arrears of the three years preceding. These accrued under the government of Lord Aylmer, when the supplies were stopped, as the Legislative Assembly had a right to do, because the Legislative Council had refused to assent to certain most useful measures which the House of Assembly had passed. When Lord Gosford addressed the House, they stated that they were willing to vote the supplies, but that, having waited for twenty years for the redress of the grievances of the colony, they wished to know what were his instructions as to the remedy of those grievances? Lord Gosford did not state fully what those instructions were, but omitted some very important parts; and it was only when the whole were published by Sir Francis Head in an unfortunate moment, that they became known in Lower Canada. Notwithstanding all that the House have heard from the Noble Lord, and notwithstanding the many bold assertions which the speech of that Noble Lord contained, I contend that the people of Canada had a right to tell the Government of the mother country that they would not pay up arrears till they first obtained a redress of grievances; let it, however, be recollected, that a declaration of this nature was made concurrently with another proceeding of the Canadians, which plainly and strikingly evinced the sincerity of their expressions of good feeling towards England. What was the language of the House of Assembly as expressed by their Speaker to Lord Gosford? They said —

> It is right we should tell you, and through you the British Parliament and the British Government, that, until you redress our grievances, which are of so important and so grievous a nature, we will not pay up the arrears; but in order to show you how sincerely desirous we are

that the machinery of government should go on, we will, notwithstanding the severity of the measures which you now adopt towards us, vote the supplies for the current year, so that you may have sufficient time so write home to the Colonial Office, and to ascertain whether, in that quarter, there is any disposition to accede to those claims which we deem just and reasonable.

And they acted not only upon the spirit, but up to the very letter, of this declaration. They took the estimates of 1833 as the groundwork upon which to frame those for the current year, and they voted a sum of 54,640*l.*; and would the House have believed, if they had not the evidence of their own senses to prove the fact, that a Minister of the Crown should now rise in his place in this House, and state that from the year 1832 the House of Assembly have uniformly and obstinately persisted in refusing the supplies? Could the House, I ask, believe it, when I hold here in my hand a despatch from Lord Gosford, in which that Nobleman says, "The House of Assembly has entered item by item into the account for the supplies." The House of Assembly in fact not only entered into the account item by item, but actually voted the salaries of all the chief officers of the Government. It is true that they had attached certain conditions to their votes; but those conditions were only just and reasonable — conditions not only justiable in themselves, but in many instances absolutely necessary to the proper discharge of the duties of the situations filled by the different officers. Does the Noble Lord mean to say that the House of Commons has no right, in voting money for the public service, to affix conditions upon which that money shall be granted? If he admits that this House has that power, upon what grounds will he contend that the Legislative Assembly of Lower Canada has not the same privilege? Public opinion in England had declared against plurality of offices. Was it not fit and proper, therefore, for the Canadian House of Assembly to say that it would vote certain salaries to certain officers only upon condition of their abandoning places which were wholly inconsistent with their official situations? Was there anything unjust, unreasonable, or improper in their declaring that the auditor of the land-tax, the clerk and registrar, the clerk of the Legislative Council, and the master in Chancery, should severally be paid the salaries attached to those offices, only upon condition of their ceasing to be members of the Legislative Council? Was there any thing inconsistent in the House of Assembly declaring that men holding subservient situations, as clerks in different offices, should not continue to be members of a body which in the colonial legislature was ranked in the same place as the House of Lords in Great Britain? I, for one, think that the House of Assembly, instead of being subjected to blame for the course they took towards the suppression of an abuse which is no longer tolerated at home, are deserving of the highest praise. I will mention only one or two other instances, just to show the nature of the conditions made by the House of Assembly, and for which the Legislative Council afterwards threw out the Bill of Supply. For it must always be remembered that it was not the House of Assembly which refused, but the Legislative Council which rejected, the supply necessary to carry on the official duties of the Government. One officer received a salary as clerk of the registers, and was also a member of the Legislative Council; the Assembly thought the duties of his office inconsistent with those of a member of the Legislature, and they refused to vote his salary unless he ceased to be a member of the Council; the next item was the salary of the Speaker of the House of Assembly, this they voted with this proviso, that he should not at the same time receive an equal or a higher sum from any other situation under the Government. This was nothing more than a declaration against pluralities — a declaration, in adopting which the House of Assembly did nothing more than follow the example that we, the House of Commons of this country, had previously set them, and for which we take credit to ourselves. Next came the salary of the clerk of the Legislative Council: the condition affixed to that vote was, that he should not also continue to hold the situation of a member of the Executive Council. Could there be anything more reasonable? What would be said, here, if a clerk of the House of Lords were to hold also the situation of a Cabinet Minister and enjoy salaries from both offices? I am sure that no reasonable man would attempt to say that the two offices were compatible, or that their duties could be rendered consistent with each other. The House of Assembly sought to provide against this abuse in the government of Canada, and in justice and fairness the Ministers of the Crown ought not to heap obloquy upon their heads for doing — what? For proceeding upon the principles which the House of Commons in the mother country have over and over again recognised and insisted on, and which the public opinion of this country has solemnly sanctioned. The salaries of the clerk of the Crown and of the master in Chancery were also voted subject to the reasonable condition, "that they should not continue to be members of the Executive or Legislative Councils." Much has been said about the salaries of the judges being left unpaid. Now that has been entirely misstated: the salaries of the judges were voted. The Noble Lord is, therefore, quite wrong in laying that as a charge at the door of the House of Assembly. Lord Gosford, in his despatch of March, 1836, distinctly states that the House of Assembly would pay the salaries of the judges, provided they did not hold other offices. Was that an unreasonable condition? Is it fit that the judges should hold other offices? Is it permitted to the judges in England to hold a plurality of offices? And if it be not permitted here, is it right that the Noble Lord (J. Russell) in making out a case against Canada, should say that the judges were left unpaid and that justice could not be administered, when the only bar to their payment was their holding a multiplicity of situations, utterly at variance with their office of judges? Such an allegation was nothing more than an excuse on the part of the Noble Lord to induce the House to agree with him in a most unjust and unconstitutional measure; a measure founded upon statements and assertions which the documents in the Noble Lord's own hands will not bear out. The salary of the Chief Justice was in fact voted without any condition at all; and the salaries of the puisne judges were also voted, subject only to the condition that they should not hold other offices under the Government at the same time. The salary of the Judge of the Court of Vice Admiralty was also voted, subject to the same condition, and that he should not continue to receive fees wholly unsanctioned by law in addition to his salary: and in my opinion the House of Assembly were not only justified in making these conditions, but they would have neglected their duty as representatives of the people had they neglected to do so.

I take all these facts from the despatches of Lord Gosford, which have been published by order of the Government; and when I mention this circumstance, I think I have stated sufficient to prove that the Noble Lord (Russell) was not warranted in his assertion that the House of Assembly refused to vote the supplies, and had thereby prevented the administration of justice and the carrying on of the government in the colony. But these despatches go further: in one of Lord Gosford's communications, he distinctly states that the Bill of Supply was introduced into the House of Assembly on the 25th of February; it was passed with very little delay, and sent up to the other House in March, subject only to the conditions which I have adverted to relative to plurality of offices; and Lord Gosford adds, and to this I would particularly direct the attention of the House, "I have no hesitation in saying such was the feeling, such the disposition of the House of Assembly, that but for the untoward publication of the instructions by Sir Francis Head, the House of Assembly would have voted the whole of the supplies for the year without conditions." Is it not wonderful, then, that the Noble Lord, to-night, with such evidence in his hands, should have the hardihood to come forward, as a Minister of the Crown, and declare that the House of Assembly had obstinately refused to vote any supply? The fact as I have already stated, was, that the House of Assembly proposed the measure of supply, and sent it up to the Legislative Council, where it was read a second time, but afterwards dropped. Hence the want of supply. Who was to blame? Not the House of Assembly, but the Legislative Council, the nominees of the Government, of whom it may be justly said, "that they are aliens in blood, in interest, and in religion," from the people of Canada.

I have thus shown, from the correspondence of Lord Gosford, first, that the Noble Lord (Lord J. Russell) is not supported in his statement; and secondly, that the conclusions which he has drawn are erroneous. The Noble Lord alluded to the Report of 1828, and to certain resolutions which were agreed to by the House of Assembly; and the Noble Lord has attempted to show the ingratitude of the House of Assembly by those resolutions. But what is the fact? I hold in my hand a series of resolutions, in which the House of Assembly express great thanks for the inquiry which was instituted by this House. But let us consider what has been the result of the inquiry for which, according to the Noble Lord, the House of Assembly ought to be so extremely grateful? Have any of the recommendations contained in the Report of the committee been carried out? The House of Assembly are the best judges of that. The House of Assembly have gone through that Report item by item, and have clearly proved that not one of the recommendations has been acted upon. They, therefore, thanked the home Government for benefits which seemed to be promised, but which, in fact, were never granted. If the recommendations contained in the Report of 1828 had been fairly and honestly carried into effect, there would have been nothing of the unpleasant distractions which have existed almost from that time to the present hour. There would certainly have been nothing of that armed resistance which unhappily has of late been offered to the constituted authorities. I maintain, therefore, that the Noble Lord, when he quoted the Report of 1828, quoted it against himself; or at all events only to be told that none of the recommendations which it contained had been carried into effect. There may have been a few petty and insignificant attempts at reform; but all the principal grievances of the Canadians remain unredressed. The Noble Lord also alluded to the minute of Lord Aberdeen. I wish that the Noble Lord (Lord J. Russell) had acted more in the spirit of that nobleman. I believe that the intentions of Lord Aberdeen were good; and had that nobleman remained in office up to the present time, I have no doubt, from the great attention which he paid to the facts brought before him, and from the manner in which he drew his conclusions, that there would have been none of the rebellion, none of the disturbances, which we are now compelled to regret.

[Loud cries of "Hear, hear!" from the Opposition benches.]

I am bound to say so; taking it for granted that Lord Aberdeen would have acted upon the reasoning adopted by him during the short time he was at the head of the Colonial Office, and which, if carried into effect, would certainly have done much good. The Noble Lord (Lord J. Russell) has enumerated five different charges or complaints which he alleges have been made. The Noble Lord referred to the Jesuits' property, the church and crown revenues, and the constitution of the Legislative Council; but the Noble Lord evaded the real question in dispute.

I was certainly surprised to hear the Noble Lord assert that the Canadians have no reason to complain of the constitution of the Legislative Council. Why, the whole question is, whether responsibility and accountability shall, or shall not, exist? The complaint of the Canadians is, that that body, as at present constituted, is subject to no liability; and that, as long as it is continued in its present shape, they can have no power over their revenues, over their laws, or, in fact, over anything that concerns their welfare; because, whatever their own efforts may be in the House of Assembly, the Legislative Council have always the power, without any kind of responsibility, to step in and mar all. The Noble Lord passed over a period of ten years in a couple of paragraphs, with scarcely an allusion. He said that responsibility was recommended in the Report of 1828, and that the Canadians were very unthankful in not having expressed their acknowledgments for the recommendation. But what is the extent of reform that has been given to the Canadians in consequence of that Report? Why, an addition of ten in the number of the Legislative Council, and three in the number of the Executive Council. Could the Noble Lord for a moment imagine, that the alteration which has been made in the Legislative Executive Council would give the least satisfaction to the people of Canada? Does he not know that public meetings have been held, at which the new regulations introduced by the Noble Lord were complained of as making the Legislative Council worse than it was before? But, says the Noble Lord, the majority of the Council are French Canadians. Why, does not the Noble Lord know, that the people would rather have persons appointed direct from England, not at all connected with the colony, than men who are renegades from their former opinions, and in every way obnoxious to the great majority of the Canadian public? And when was this alteration made, which was to give so much satisfaction to the people of Canada, and for which, according to the Noble Lord, they ought to have evinced so much gratitude? Why (the House will hardly believe it), this boasted improvement was not made until the latter end of October last, — ten years after the period at which an alteration in the constitution in the Legislative Council was originally recommended by the committee of the House of Commons. The reform in the Council, which ought to have taken place in 1828, was not attempted till 1837, when the addition was made in the number of its members which I have stated, but leaving it just as objectionable, and as little calculated to satisfy the people upon the score of responsibility, as it ever had been. Never was there such a mockery upon the people of Canada as this alteration of the Legislative Council; and, in my opinion, nothing could be more complete than the failure of the Noble Lord in his attempt to establish a ground for interference. The Noble Lord has said that, since the year 1831, the conciliatory measures of Government have not been met in a corresponding spirit on the part of the colonists. Now, I want to know, what real measures of conciliation have ever been held out without being successful? What concession was there in sending out the resolutions of last year, declaring that an Act of Parliament would follow, to rob the Canadian Exchequer, and to put down resistance in Canada? And what was the effect of those tyrannical resolutions? Why, the moment they were known in the colony, meetings were held in every county to protest against the conduct of the mother country; for it was felt there, as it must be felt here, that never were measures so utterly reckless of principle as were those resolutions which the Government succeeded in passing through Parliament last Session. And what has been done by the Government in consequence of the strong expression of popular feeling which was called forth by their resolutions? Measures of conciliation were certainly promised, and we were led to suppose that, as soon after the recess as possible, they should be sent out. Yes; the Colonial Office are always "about to do" something great, but never do it. Nothing is done by the Executive, no hope is held out by Parliament, and the dearest rights of the colonial population are outraged; and now no power but that of force is to be used:—nothing of relief, nothing of conciliation, nothing of justice. It appears that, up to a very late period, assurances were received from Lord Gosford that there was nothing to excite any serious alarm in the state of the colony, although he, at the same time, expressed a doubt whether the spirit of dissatisfaction which had exhibited itself could be put down without a suspension of the constitution. The argument of the Noble Lord (Lord J. Russell) is, that the disaffection existing in Lower Canada is by no means general, that a portion only of the people of the province are discontented, — merely a few demagogues who have practised upon the ignorance and credulity of a small portion of the people. If that be really the case, — if the evil extends no further than that, what pretence can there be for punishing the whole of the province? If a few only have offended, why are all to be deprived of the benefit of their constitution?

It is not yet known — we have had no proof of the fact—whether or not M. Papineau is in any way connected with the present disturbances in Canada. We have no proof that he was in any way privy to the revolt. Indeed, my own opinion is, that the armed resistance to the Queen's troops was not premeditated, but arose out of the heat of the moment. The Noble Lord, the Governor of the province, thought proper to issue a proclamation, forbidding the people to meet and express their sentiments upon a matter materially affecting their wellbeing. Now, we all know that proclamations are not law; and certain persons, conceiving this proclamation to be an infringement upon their rights, proceeded to tear it from the church doors. The Attorney General was instructed to prosecute two gentlemen who took part in these proceedings. He did so; but the indictment was thrown out. Having failed in this, he proceeded to file *ex officio* informations against them; and Lord Gosford struck out of the list of magistrates every man of liberal opinions, and substituted none but Orangemen and Tories in their places. Having thus obtained a subservient or congenial magistracy, Lord Gosford proceeded to arrest twenty-eight individuals in one day. These were the proceedings that startled the whole Canadian people, and excited that strong feeling which at length has led to the opposition of the constituted authorities. Nobody knew on what authority or on what evidence these arrests were made. Everything was done with the utmost silence and secrecy. The people became alarmed; and this led to the rescue which, as I before said, I firmly believe was wholly unpremeditated. Does the Noble Lord mean to say that the House of Assembly knew anything or had anything to do with the rescue? Does the Noble Lord mean to say that anything but an attempt to interfere with the administration of justice in a degree so flagrant as that adopted by Lord Gosford would have led to the rescue which has since given rise to such unhappy consequences? Had the same conduct been pursued in Ireland, would not the consequences have been the same? If every liberal magistrate had been struck off the list in Ireland, and the commission of the peace filled up only by Orangemen and Tories — men entirely hostile to the feelings of the great mass of the people — would not the same resistance to the law have been offered at all events? Saying that Ministers had allowed the expression of discontent to arise to so great a height in Canada, and especially after the admission of Lord Glenelg, that complaints from the colony had been increasing ever since 1828, I think the measures now proposed to be adopted are too severe

To deprive the whole province of its liberties because a few have offended, gives to the proceedings of the Government an appearance of vengeance rather than of justice. I think the best course would be to send out an individual like Lord Durham, to whom I see no sort of objection, armed with ample powers to do whatever he might deem necessary to preserve the tranquillity of the province,—but not accompanied with this disgraceful Act which is to suspend the liberties of the whole of the people. If I were to advise any course it would be, that Government should declare a general amnesty. Let Lord Durham go out and declare an amnesty. Let him go out with full powers so to act, and then it would appear that revenge was not our object, but that justice was what we wished to effect. But at present what have the Canadians to expect? What, after the Government have suspended their charter, have they to look for? Will they not look at every act with suspicion and jealousy that this country might do? Will they not feel a want of confidence in all that we proposed? If, then, the Noble Lord wishes to prevent the shedding of blood, let him pass an Act of amnesty, and send out Lord Durham to declare it. Did not Sir Charles Grey tell you, after a residence of twelve months in Canada, that it was essential to interfere with the Legislative Assembly? A spirit of opposition has been excited that requires an appeal to force; but I, for one, hate and detest war,—above all, civil war. Civil war is the most to be abhorred; and to avoid such a calamity, I think the Government ought not to stand upon any punctilios. But let us see what is now proposed? The Noble Lord proposes to send out Lord Durham. Can Lord Durham do anything unless he has the powers? No. What, then, does the Noble Lord propose to do? He does not intend to give Lord Durham any such powers as would enable him to accomplish the only object it is necessary he should effect. This being so, Lord Durham will go out to Canada under such circumstances as will cover him with the like disgrace that has visited Lord Gosford. It is not Lower Canada alone that demands redress. The other North American colonies are equally anxious to obtain justice from this country. If, then, the Noble Lord be not disposed to make a permanent settlement with these colonies upon a constitutional basis, is he prepared to keep them down by mere physical force? Is the state of our Exchequer so flourishing that his Right Honourable Colleague (the Chancellor of the Exchequer) could recommend an expenditure of half a million for such a purpose; and does the Noble Lord imagine that the people of England would submit to the burden of additional taxation in order to support him in such a course of policy? The Noble Lord has said, that the feelings of the people are generally with him. I differ from the Noble Lord in that respect. I believe the people are anxious to put an end to bloodshed, and to effect a conciliation. This the Noble Lord may succeed in accomplishing by passing an Act of amnesty in favour of those who have been placed in their present predicament by the extraordinary and unaccountable proceedings of the Colonial Government. If the Noble Lord will do that, I am perfectly satisfied he may make amends for much that he has done. It is not the man who sheds blood, but the man who stimulates him on, that is the more guilty party.

[Loud cries of "Hear, hear!"

I maintain that it was the resolutions of the Noble Lord which stimulated the people of Lower Canada to revolt and bloodshed. It was the unjust conduct of the House of Commons in violating the rights of the whole province of Canada that led to the bloodshed that has taken place. I am sorry to have been obliged to intrude upon the patience of the House at so great a length, but I felt it a duty both to myself and to the cause which I advocate to advance the opinions I have declared, and I will now sit down by expressing my deep regret at the course which the Noble Lord has proposed to the House.

LORD ELIOT.—I shall detain the House but a very few moments, in offering one or two observations upon the subject which has been brought under our consideration, and at some length. It is not necessary for me, in replying to that Honourable Member, to say that the Honourable Member for Kilkenny has attacked the Noble Lord opposite (Lord J. Russell) pretty severely. I will not follow the example of the Noble Lord, by going through the history of the Canadas from the earliest period of their connection with this country. I will merely ask whether there have not been two great boons granted to that colony?—first, the Act of 1791, by which the House of Assembly was conceded? Now I find in that Act an oath to be taken by each member of that Assembly to the effect that he will be faithful and true in his allegiance to his Majesty the Sovereign of Great Britain; that he will maintain those provinces of the Canadas for the King of Great Britain; and that he will do every thing in his power against any traitorous conspiracy, or any attempt that may be made against the Crown or its dignity; that he will do his utmost endeavour to discover and make known to his Majesty all such treasonable attempts; and he swears this without any equivocation or mental reservation. Having said thus much with regard to the Act of 1791, I will leave to the Honourable Member for Kilkenny the task of accounting for the conduct of those persons whose cause he has this evening advocated. The next great concession made by this country to Canada was by the Act of 1831, by which the whole of the crown revenues were, as remarked by the Noble Lord, made over to it in a spirit of generous, perhaps too generous, confidence. Now I would ask the House what return has been made for those concessions? Has the declaration of the Government, that they were prepared at once no longer to allow the judges to hold place during pleasure, but during good behaviour, been responded to by the Colonial House of Assembly? Certainly not; and it is equally true that the House of Assembly have altogether refused to make any permanent provision for the Governor, the Executive Council, or the judges of the province, in conformity with their own declaration. The Honourable Member for Kilkenny has treated us to a sort of historical retrospect of Canadian grievances; but those grievances no longer exist. I will say, at least, that almost every one of them has been gradually removed. I readily admit that grievances have existed; but of those now complained of, the principal, I believe, is the constitution of the Legislative Council, which the colonists wish to have made elective. Against such a proposition I think the Noble Lord has stated the most satisfactory reasons; in addition to which, I will take the liberty of saying that an elective Legislative Council is incompatible with the constitution of Lower Canada. It certainly was the intention of Mr. Pitt to establish an hereditary peerage in that country, if he could have discovered the materials for it; but these were not to be found. From the very law founded upon the custom of Paris, by which the division of property took place, and to which the Canadian proprietors were attached, no hereditary land proprietary could be found. If, therefore, an elective council were formed, it would be composed of precisely the same material as that which now constitutes the elective Assembly.

The next complaint of the Canadians, is with respect to the tiends. And we have been told that land in Lower Canada will not fetch more than five shillings per acre, whilst in the upper province it is worth from twelve to fifteen shillings; and that this great difference in value is owing entirely to the tenures under which the land is held. My own opinion is, that in the very first instance we ought to have abolished the feudal tenures in Canada. But upon this subject, as well as all others, the Government and the present Parliament have at all times evinced every disposition gravely and calmly to consider the subject, and to remove, as far as possible, all the grievances of which the Canadians have complained. I entirely concur in one observation of the Honourable Member for Kilkenny; that is, that it is not those misguided people, but the men who have stirred them up to acts of intemperance and disloyalty, whom we ought to blame. No one more deeply regrets the prospect of a civil war in Canada, or the bloodshed that has already occurred there, than myself; but those who have drawn the sword and thrown away the scabbard must abide the consequences of the only remedy that can now be applied,—that of military force. I intend to offer no sort of opposition to the motion of the Noble Lord. But I cannot refrain from expressing my surprise, I may say, indeed, my regret, that the Noble Lord has not thought fit to express any intention of satisfying what, I must say, is the just expectation of the country. Certainly her Majesty's Ministers ought to assign to the House and to the country some sufficient grounds to show why this very valuable colony has been allowed to be placed in such imminent jeopardy. I think no man can look at the correspondence which has been placed in the hands of Honourable Members, and say that proper means were taken to guard against revolution and its train of fatal consequences. I think the better course would be to appoint a secret committee to examine into this question, and before whom all the papers and explanations on the subject might be laid. I will not longer intrude upon the indulgence of the House, but I do think that the suggestion I have thrown out is deserving of some consideration.

SIR J. CARNAC. — I think, Sir, that it cannot be denied by any person who will take the trouble, fairly and without prejudice, to examine the history of the colony of Lower Canada since its connection with this country, that the conduct of the British Government towards it has been, from the very first, the most liberal. In addition to the benefits of British laws, all their old habits and prejudices in favour of French customs have been respected. They are the most lightly taxed, I believe, of any people in the world; and the prospects held out to them are more gratifying than those enjoyed by any other colony. The constitution of the Legislature in Canada is as popular as that of the mother country; but, not satisfied with representing the popular interest, the House of Assembly have ventured an aggression upon the other branches of the colonial constitution; they seek to control both the executive and the legislative councils. The question is then, shall we, — Canada being a part of the British Empire, contributing to its grandeur and its strength, — shall we continue to afford it that protection which is due from a mother country to its colony; or shall we leave it to the mercy of a few designing and ambitious men, who have at heart only their own personal aggrandisement? What are the demands of the House of Assembly of Lower Canada? First, that the Upper Chamber should be made elective. Now this is going considerably farther than we do in this country. Their next demand is for an alteration in the law with respect to landed property; or, in plain words, a compromise of the interests of the English settler for the benefit of the French; such an alteration of tenures as would entirely destroy those rights which have been granted by the British Government to English emigrants.

Now, Sir, are these demands such as can be consistently granted by a mother country to its colony? But, whatever may be urged in favour of the claim of the Canadians upon these two points, I say that this is not the time to discuss them. Our present duty is to uphold the rights and honour of the British Empire and the Crown. I admit that Canada has a right to be well governed; but I will not admit that we ought to consent to a separation between the two countries, merely because a few disaffected persons have set themselves in opposition to the constituted authorities. But would the colony itself be benefited by a separation from the mother country? On the contrary, I believe that, if such an event were to take place, it would be the greatest calamity that could possibly befall it. I believe that it is as much the interest of Canada as it is our own, to maintain the existing connection. And it is also my firm opinion that by far the great majority of the inhabitants of the colony are favourable to the British Government, and are averse to separation. Is this House, then, prepared to say that those persons who have invested their capital in the colonies upon the faith of the promised protection of this country, shall not have that protection extended to them? Sir, at all proper times, I am ready to consider the real grievances of the people; but when we are called upon to put down rebellion, then, I say, we ought to show our confidence in the Government, by affording them every assistance in our power; and I will venture to assert that this is the feeling of the country at large. Sir, a successful and happy result of the proposed measures is what all good subjects must hope for, and at which every good man will rejoice. The Government will have a full opportunity of exercising generosity and conciliation, where necessary. And I was glad to hear the Noble Lord say that he should be willing, after the revolt shall be put down, to consider whether some judicious alteration might not be made in the constitution of the Legislative Council. Nothing can be more proper than that differences arising between the two branches of the Colonial Legislature should be referred to the mother country for adjustment; and I hope that, whatever alterations may be made in this respect, the interests of all parties will be duly consulted. These are some of my views upon the subject. I will now conclude by again expressing my hope that no project for separating the colony from this country will be entertained; but that that protection which has been guaranteed to the British emigrants will continue to be extended to them.

Mr. GROTE. — Sir, I did expect that the Honourable Baronet who has just sat down would have favoured us with some of his own views as to alterations in the constitution of a Legislative Council. I hope, however, that the latter part of the Honourable Baronet's speech will make a greater impression upon the House than the former; for I am convinced that no measure which does not remedy the complaints made against the Legislative Council will suffice to produce the desired tranquillity in Canada. Till I came into the House, I was entirely ignorant of the intention of the Noble Lord the Member for Stroud, as to the course which he meant to pursue; I knew not whether the Noble Lord meant to move an address to the Crown, or for leave to bring in a Bill; and I do think that the House has some little ground of complaint at being thus called upon to deliberate upon the present address, without having received any notice of what they were to be required to assent to. I confess, also, that the Address, as now proposed, does not meet with my notion of the sentiments which ought to emanate from this House; for, although I acquiesce — and entirely go along with the Noble Lord—in the conviction which he entertains of the necessity of restoring tranquillity, yet I think that it is not right to express that conviction, without, at the same time, recording a sentiment which is equally strong in my mind, that full redress should be given to all grievances, and ample provision be made for future good government.

I feel, Sir, on these grounds, totally unable to acquiesce in the address which the Noble Lord has proposed; nor can I concur in the argument which has been adduced in support of it by that Noble Lord. Indeed his argument, as it seems to me, if it proves any thing, tells directly and most conclusively against his own case. The system on which Canada has been governed by this country, the Noble Lord would have us believe, has admitted not of mistake. Canada has had most exemplary colonial governors under the most exemplary of colonial governments, —one after the other,—and yet the discontents of the Canadians have got worse and worse; until, at length, the people have broken out into open revolt. If the Noble Lord be so enamoured of the past state of things, on what does he build his expectations of any better condition of them in future? Surely, if this argument of the Noble Lord proves anything, it is in favour of the case of the Canadians, and against his own resolutions. I, for my part, think there has been much to blame in the policy and conduct of the colonial department. I think it admits decidedly of much improvement; and, if I did not think so, my views upon this question might be of a very different character indeed. The Noble Lord has touched upon a great number of antecedent events connected with the proceedings of the House of Assembly of Lower Canada, during the last fifteen years; and he has endeavoured to show that, for every one of the concessions which, from time to time, has been made to that country, the British Government has experienced nothing but ingratitude and unkindness. Before Honourable Gentlemen, however, suffer themselves to be carried away by the eloquent complaints of the Noble Lord, I would beg them to recollect this important fact, — first premising that, to the conclusion at which I have arrived, as a friend to the separation of the mother country, that that separation is desirable (and this opinion whether others may deem it a treasonable one or not, I do not hesitate to avow), I have not been driven by the same train of argument which has been followed out by the Noble Lord.

Now what I would desire Honourable Gentlemen to recollect is, that, with reference to the statements which have been made by the Noble Lord, there are no persons here to answer them who can properly be said to represent the people of Canada; thus the Honourable and Learned Gentleman, the late Member for Bath, is no longer present among us, unfortunately — [Laughter] — to answer for them. But still I must contend that no gentleman who reads the interesting but voluminous reports, which at different times have been presented to this House, with sufficient care and attention, can fail to be impressed with the conviction that, in the speech of the Noble Lord, there were many errors and inaccuracies, with regard both to the conduct of the House of Assembly in Canada, and the conduct of the Colonial Office here. If, however, I have not that acquaintance with the state of the Canadas, which would enable me to lay this case, with as much perspicuity, before the House, as the Honourable and Learned Gentleman would have done, had he been here (from his great knowledge of the merits and details of the question), I am yet competent, in common with other Honourable Gentlemen who have carefully studied these reports, to form a judgment upon the errors and inaccuracies in question. I agree perfectly with the Noble Lord in the encomiums which he has passed on the conduct of Sir George Murray, in his capacity of Colonial Secretary. No one can read the correspondence between Sir George Murray and Sir James Kempt, without seeing that the former of these gallant and distinguished officers was animated by the most wise and rational views of colonial policy ever entertained, perhaps, by any of our colonial secretaries. I may instance particularly that passage in which it is stated that, "if the House of Assembly were called upon to vote a certain portion of the revenue, it would acquire virtually a control over the whole."

It is impossible not to perceive, from these passages, that Sir George Murray had an accurate knowledge of the true state of the country, and that, if his advice had been attended to, the differences would have been adjusted; and that, if accidental circumstances had not prevented, in 1829 or 1830, the introduction of an Act repealing the Act of 1774, the grievances then complained of would have been fully adjusted. The revenues would have been given over to the Assembly on terms satisfactory to both parties; and I cannot now understand why, when Lord Ripon became Colonial Secretary, the same arrangement was not carried into effect. But a circumstance to which the Noble Lord (J. Russell) did not advert, happened while the Noble Earl was Colonial Secretary, which completely frustrated this amicable settlement. Lord Ripon thought proper to advance a claim, not only for the appropriation of the casual and territorial revenues, without the consent of the Assembly, for the purposes of civil government,—a claim which had been made by former governors,—not only did he claim the right of seizing those revenues, but the right, also, of diverting them from the purposes of civil government, and making them over for the purposes and the support of the Established Church. I do affirm that it was the advance of that claim, and that claim alone, which disturbed the settlement of the financial disputes between the House of Assembly and the colonial Government. This claim, in point of fact, left the House of Assembly in a worse situation than it was before, by many thousand pounds, which were taken away from that control which the House of Assembly had formerly possessed over these monies, and applied to the maintenance of the clergy of the Established Church. This claim was thought to be no less novel than it was preposterous and unreasonable. If the financial dispute had been met with a disposition to do justice, it would have been settled at this time. And the same remark applies to the other disputes in every particular. If this Government had only placed the Legislative Council in harmony with the feelings of the people, they never would have demanded an elective council. If any corroboration of this statement were wanting, we should find it in the correspondence contained in the authenticated papers extending from 1828 to 1833. This demand was never made till 1833, when the Council was still as unacceptable to the people as it was in 1828, at which period Lord Aberdeen had recommended that the Legislative Council should be made acceptable to the Canadians. If the Government seriously intended to apply this rule of conduct, how was it that they so signally failed in finding proper men to appoint to the office? Was it so very difficult to lay their hands upon fitting men for those appointments? or was it that they were not very strictly sought for? Between 1828 and 1833, there was an interval of five or six years, during which there was ample time for the English Government to secure such services from the most competent individuals. The Legislative Council of 1833 was just as distasteful to the Canadians as it had been in 1828; and during the administration of the colonial department, which my Honourable Friend behind me very properly commends, I infer that it was the evident intention of the English Government to render that body more popular with the great majority of the Canadian people. The great argument which has been advanced against this proceeding seems to have been that, thus qualified, it would become very troublesome to the Executive Government.

I agree with the Honourable Member who has stated that the Legislative Council, as at present constituted, with every single quality which can render the House of Lords in England obnoxious to the people, is without a single one of those redeeming qualities which render the House of Lords, to a very large body of the English people, an object of respect. What, then, I ask, was left to the people of Canada, when they saw that the whole legislative power of the House of Assembly was nullified by the Legislative Council? I should be glad to know how the Noble Lord can safely reconcile the course which he is now adopting with this anomalous and important fact? The House of Commons having resolved, last year, that important alterations in the composition of this Council should be made, how happened it that Lord Gosford, when the House of Assembly met on the 16th of August, was not instructed to afford to the House of Assembly a fair chance of resuming their duties with the advantages arising from those alterations? To pass over such an opportunity—was that giving them the fair chance I speak of? It was your duty, after the circumstances which had occurred in the preceding year, to afford the House of Assembly this eligible opportunity for re-entering upon its functions. It would have been more honest on the part of Earl Gosford, or of the Colonial Government, to have acquainted the Assembly with what had occurred on this subject; and to have omitted so obvious a mode of approaching the Assembly with effect, does, in my mind, render either the governor or the department liable to the imputation of very great neglect. When questions are asked in this House respecting these points, we are answered, that nothing is known about them. I do say, that from the tone and tendency of the speech of the Noble Lord, and considering them in connection with the fact of the absence from that speech of anything approaching conciliation, it is not difficult to foresee a long series of difficulties — a protracted course of disaster with respect to our Canadian possessions. The Noble Lord seems to me, together with the rest of her Majesty's Ministers, not unwilling to undertake what has ever been a difficult task with all who have attempted it, — I mean, that they are not unwilling to risk the Herculean effort of attempting to rule in defiance of the recorded sense and express wish of a majority of the inhabitants to be governed; a task which has been thought sufficiently impracticable for other governments, even when separated from unwilling subjects by a distance less than several thousands of miles.

By what means is this object to be accomplished? To what can they look but force, constraint, to prevent the outburst of dissatisfaction, which will still smoulder beneath the surface of fancied security? We should recollect that it is not the same thing to put down by armed restraint, and to eradicate discontent. I do hope, however, that the Noble Lord will not think it beneath his attention to consider that the Canadians are bordering on the United States of America, and that, however considerable may be the vast power of England to keep down a most reluctant people, yet these people could not fail to imbibe something of the feelings and the habits of that vast and flourishing republic which occupies so large a portion of that continent, and which is so close to the limits of Lower Canada. It seems to me, that to rule in the manner proposed is to saddle on England a great burden and inconvenience, and to entail on the province itself nothing but what is oppressive and intolerable. Let the Noble Lord say whether, with the best intentions on the part of the Colonial Office, he thinks it would be practicable to prevent, in so distant a colony as Canada, the possession of power which might be turned to the private purposes of a small knot of individuals, of a little oligarchy, who govern there for their own benefit, but under the name of the Colonial Office. I will venture to say this,—that even if you send Lord Durham to Canada, he will find no men more ready to thwart his views than this very Legislative Council, for whose sake her Majesty's Ministers appear inclined almost to decimate the people of the province. He will, I predict, find nothing but jobs, which it will be his duty to put down, and he will discover the most gross mismanagement; and if he agree to go out armed with nothing but pains and penalties, unsuited to the genius of a free country, he will be thwarted as well by the Legislative Council as by the people at large. To the Bill suggested by the Noble Lord I shall certainly feel it my duty to give my strenuous opposition in its passage, through every stage; for I think that the Legislative Council has not done anything to justify a measure so stringent and so severe. The Government have taken up the worst ground which it could occupy, when it said to the Canadians — "You shall either have a Legislative Council unfriendly to the great body of the people, or you shall have no constitution at all;" and I confess that I entertain no very sanguine expectation from the success attending the Governor going out after such a measure as is now advocated. I doubt not but that Lord Durham will introduce into Canada the measures which the committee of 1828 suggested long ago; and I beg the Noble Lord (Lord J. Russell) especially to recollect that even at that time the committee recommended that the Legislative Council should be formed of men of impartial and conciliatory dispositions; — yet that this recommendation has never been carried out, down to the present time. If the Council have been made thus impartial and conciliatory, how does it happen that the people do not gratefully acknowledge the change? Let us look at a case in point, to which I am sure that the Noble Lord, of all men, will find no objection — let us look at Lord Mulgrave's Government in Ireland; as to which I say, that my position is fully made out; — let us look at the altered feeling that seems to actuate the people of Ireland, when they really deem that there is in the Government something like a recognition of their wishes and a desire to act an impartial and conciliatory part. And why has not the same feeling been discovered in Canada, if there be the same cause for its existence? If this feeling had been fostered, if the people in Canada had been dealt with in a conciliatory, friendly, and kind manner, I entertain a strong conviction that the demands which they have put forward would have been disposed of satisfactorily — that either they would not have been so strongly pressed, or they would have been susceptible of an easier adjustment. If the House now pass a Bill suspending the Canadian constitution, unaccompanied not only by distinct promises but by any earnest signs of a redress of grievances, there will be nothing but increased troubles. The discontent engendered by the Noble Lord's resolutions will be still further confirmed and still deeper rooted; for let the House read with attention Lord Gosford's statement, that there are many men in Lower Canada who, though they disapprove of the proceedings of the House of Assembly, disapprove of the Noble Lord's resolutions still more: mark that well, I say, — that most important passage, — and remember that every such act as this will leave a far deeper and a sharper sting behind, and will render conciliation more difficult. Let us redress the Canadian wrongs, and not begin with more coercive, and in my opinion more unjustifiable, proceedings than any which have yet taken place on this question. If we carry out the Noble Lord's proposal, where are we to stop? If rebellion by part of the people justifies a suspension of the constitution of a country, why does not the Noble Lord propose to suspend that of Upper Canada, for there has been a revolt there also? I do not object to this omission, for, thinking that the proposal is, in itself, unjustifiable, I am glad to find that it is not to be extended; but still the same argument may be adduced in support of such a proposition. I can see no benefit which can be gained from severity and coercion, whilst, on the other hand, I apprehend from them the great evil of continuing in the minds of the inhabitants a feeling of despair that justice will be done to their country. I need not say that to govern a colony tranquilly, the people must be animated with a feeling of resepect towards their governors; and I am sure that coercion will never redound to the profit, and still less to the honour, of the mother country. For these reasons I must oppose the address; and I sincerely wish that it had been more distinct in recognising the principle of redressing the Canadian grievances.

SIR ROBERT PEEL. — The Noble Lord, in the course of the speech with which he commenced this discussion, brought under our consideration two most important questions; the one, — the propriety of an address to the Crown, pledging the House of Commons to support the efforts which her Majesty may feel it her duty to make for the suppression of actual revolt; and the other, a legislative measure for the purpose of suspending the constitution of Lower Canada, and of investing an individual, who is about to proceed to that colony in order to take upon himself the administration of its affairs as governor, with dictatorial power. I am called upon this night to discuss, I apprehend, only one of those propositions, namely, that which respects the policy of voting an address, in which I shall pledge myself, as a Member of this House, to support the Crown in its attempts to suppress open revolt; and I must say, that it would have been more consonant with my own feelings if the two suggestions, — that, as to the suspension of the functions of the colonial legislature, and that other, as to the powers to be given to this governor,—had been kept perfectly distinct. I do think one of these to be of sufficient importance to require me to give my sentiments upon it; and when it shall be necessary to pronounce my opinion on the other, I will do so freely and unreservedly. I confess that I lament that so long a time should have been permitted to elapse, without the attention of Parliament having been called to this point. If I had been in the House on the night before the recess, when the affairs of Canada were discussed, I would have voted for the proposition that the House should, without delay, meet and vote an address similar to that now under discussion. Had you not received an intimation that a portion of her Majesty's dominions was in open insurrection? Had you not received official intimation that the Queen's troops were in arms, — in opposition to bodies of the Queen's subjects, — in support of the civil power? And I think that no time ought to have been permitted to elapse before the House of Commons was called together to take active measures, with the view of intimidating the rebels, and of encouraging her Majesty's loyal subjects in that colony. True it is, that it might be urged that Members had separated for the recess under the impression that no business of importance would require their attendance; but, when open rebellion was known to have broken out, surely the House ought to have given to the Crown its assurance of support. No reason existed why an adjournment for a few days should not have taken place, and an intimation have been given that the House would meet for the consideration of this subject,—and thereupon record the same assurance which will now he given so tardily, and, I fear, so ineffectually, that for the suppression of the revolt the Crown might implicitly rely on the support of the Legislature.

Perhaps, also, it might have been reasonably expected that a direct and formal announcement would have been made by the Crown to both Houses. But no Royal message has been delivered. We now merely know the fact that the Queen's troops have been engaged with some of her subjects in open insurrection, and that one section of these troops has been driven back by the insurgents. We see that martial law has been proclaimed, and we see that the governor of one colony has been pressing for a supply of troops from a neighbouring colony; and surely such circumstances would have justified a direct message from the Crown; but the House of Commons did not, till five o'clock this evening, receive even an indirect intimation that the Queen's troops had been in collision with the people. It appears, that before the adjournment of the House of Commons no accounts whatever had reached us of the result of the expedition under Colonel Gore; and it was not until to-night that the House of Commons were informed of the result of the engagement which took place between those troops and a large body of persons acting in open violation of the laws, and opposing the forces, of her Majesty. It is no answer to say that the despatches had not arrived, and that there had been no previous opportunity of communicating their contents. But it is not of this that I am complaining, especially; but I complain that the Crown did not send any message to the House, stating the circumstances attending the revolt, and soliciting the aid and support of the House of Commons in endeavouring to put it down; and I will venture to say that, in the history of this country, no event of so much importance as the insurrection in Canada has taken place, without its having been deemed necessary to communicate the fact specifically to the House of Commons, not by means of the publication of papers alone, but by means of a message from the Crown, in which a solicitation for support has been included. Now, to show that this has been the practice, I will begin with the events of the American war, and all the unfortunate transactions which took place with reference to that struggle for independence. In 1774, the memorable disturbance took place in Massachusetts, and the riots also broke out in Boston. Parliament was aware, at that time, of the unfortunate differences existing between that colony and this country, from the reports which had reached them; but the notoriety of the matter was not considered a sufficient reason to relieve the Crown from the necessity of making a formal communication of the facts to both Houses of Parliament, and a message was accordingly delivered, setting forth the circumstances, and soliciting the aid of Parliament in suppressing the disturbances which prevailed. The occurrences in Boston also took place in 1774; but they formed the ground of a distinct message from the Crown, and of a distinct application for the support of Parliament. The case of the rebellion in Ireland, in 1797, was another instance, the facts of which were perfectly notorious, and had actually even been the subject of discussion in the House, before they were introduced to its notice on the 1st of June, having been brought forward by Mr. Sheridan; but still, on the 1st of June, the Houses had a notification conveyed to them, by a message, that the rebellion had broken out, and their support was prayed. Taking the whole case of the Irish rebellion, before the year 1798, — in the year 1797, when Lord Camden was Lord Lieutenant of Ireland, before the rebellion had developed itself; when disturbances, however, prevailed in Ulster, and when assemblages of armed people had already taken place, — the Government did not then leave the Irish Parliament to collect the circumstances from the public papers which were published, and the rumours which were afloat; but by a message they informed them of the whole of the facts, and prayed their support. In 1797, when the apprehension of two committees of the United Irishmen, in Belfast, had taken place, the same course was pursued; and, in 1798, on the 22d of May, before the rebellion actually broke out, a communication was conveyed from the Crown to both Houses, through the medium of the Lord Lieutenant. Then, again, in 1803, when there were no separate Houses of Parliament in Ireland, the Crown made a distinct appeal to the Imperial Parliament, by way of message. The substance of the message, on the subject of the rebellion, was, that his Majesty felt the deepest regret in acquainting the House of Commons that treasonable and rebellious opinions had been shown to exist in Ireland, and that his Majesty relied, with the most perfect confidence, on the wisdom of the steps which the House would take to afford protection to his Majesty's Irish subjects, and to secure the general tranquillity of the country.

Here, Sir, I ask, why has this course, hitherto apparently considered so necessary, been departed from? Why, when a revolt has taken place in Canada, sufficient to justify the suspension of all civil law, — to justify the declaration of martial law, — and to justify the interference of the military power to support the civil officers, — why, in such a case, has not the Crown thought it fit and necessary to make a communication to Parliament; and to confide to them the circumstances of this melancholy exigency, in obedience to strictly analogous precedents, and in a course which the whole stream of the practice hitherto adopted calls for and demands? There will not, I believe, be found a single instance of any case like the present, in which the Crown has left it entirely to Parliament to collect materials, and to determine upon the circumstances, without a direct communication. I am quite aware that there was, in the Queen's Speech, at the commencement of the Session, some reference to the affairs of Canada, but there was none whatever to the revolt, which, in fact, had not then commenced; and the Speech itself was delivered by her Majesty *diverso intuitu*. The paragraph alluded only to the events of the last Session, and in no way relieved Ministers from the necessity of making a formal communication to Parliament on the subject of a matter so important. Still, what I have thus urged as an objection to the proceeding, is to the form rather than to the substance of it.

[Loud cries of "Hear!" from the Ministerial Members.]

What then? Do Honourable Gentlemen really so much undervalue this point of form, when her Majesty's subjects, in one part of her empire, are in open insurrection against her authority — when a colony is at stake — when her Majesty is known to be about to increase her troops, and martial law is proclaimed in that colony — do they really think that, at such a juncture, a departure from the uniform course of forms and precedents did not look too much like undervaluing the importance and exigency of a great question like this, which it was obviously necessary to lay fully and distinctly before the Legislature, for their consideration?

[Loud cheers from the Opposition.]

The main question no doubt is, whether it is fitting for the House of Commons to give its cordial support to the Crown in a case like this, where the object is the suppression of rebellion. I never felt more convinced of the necessity of deciding a question with grave consideration, without passion, and, as far as our limited capacities may enable us, with a thoughtful forecast of the consequences which will flow from this proceeding; and it is not without due consideration of the circumstances, and an anxious and most serious reflection on the whole case, that I have come to the conclusion of offering my most cordial support to the Crown in the steps which are, as I understand, about to be taken in the attempt to suppress this revolt.

The Honourable Gentleman who last spoke has suggested considerations which I admit to be of great importance. He said, that the majority of the people of Canada are disaffected to the British Government, and he argues that, therefore, they ought to be released from their allegiance. He contended, that the more conciliatory the intentions of the Colonial Government had been, the greater must be considered to have been their failure; and the greater should be the apprehension that it would be impossible to establish mutual goodwill and harmony in the relations between the colony and the parent State. I admit the importance of these suggestions; but, at the same time, I must be permitted to ask, whether the principles which the Honourable Gentleman has laid down are to be applied to the whole empire? Let the House think of the whole colonial empire of Great Britain, — let it think, not alone of our possessions in North America, but of those in India, in Europe, and in the other quarters of the globe; — and then, let it not forget the extent to which this principle might be applied. The principle thus laid down is, — that on the first exhibition of dissatisfaction on the part of a colony, and on the first resort to arms to quell any disturbances which may have taken place, — that on the first expression of dissatisfaction with our government, and the first instance of resistance to our authority, — we should act, as upon a signal for abandoning our pretensions of superiority; and that it will be better for the mother country, thereupon, immediately to dissolve all connection with the colony. Now let me, for a moment, put the strongest case:—suppose Canada were an island, without any relations with any foreign state, which could act on those relations; would this country, after having acquired possession of that colony, by a series of brilliant conquests, and retained it for about seventy years, — would this country, after manifesting, unequivocally, her intention at least of doing equal justice to the people of Canada, — hold herself prepared, because that people, or a portion of them, happened to be dissatisfied, at once to relinquish it, and to give up all interest in and power over it?

If we lay down such a principle at all, can it be limited to a particular colony — or to colonies in general? Why might not the same reasoning, if it be true, as regards a colony, be equally applicable with regard to the integral parts of the British empire; and why might it not, with equal force, apply to all descriptions of persons? Why might it not extend to any one part of England which should think fit to declare its dissatisfaction with the government of the day? "The fact of dissatisfaction with our government," as the Honourable Gentleman (Mr. Grote) contends, "is sufficient to show that the colony has been misgoverned; and then," he asks, "what is the good of ruling over discontented subjects?" Why, Sir, if we were to act on such a rule of public conduct, the glory of England would, in ten years, be utterly annihilated. All the mighty influence which we possess, in virtue of our vast colonial establishments, an influence which, as the Noble Lord has truly observed, is supported by our commercial marine,—all the enormous power we derive from our navy,—will soon pass away, and England, from the foremost rank which she now occupies among the nations of the earth, would descend to the situation of a subordinate and a fifth-rate power. Suppose the doctrine in question to be allowed to apply to some island not connected with the British empire; would it, even then, be applicable to the case of Canada? I think it would not be so. But, now — can Canada be considered otherwise than as a portion of this empire? And if not, would it be possible to apply the principle to the Canadians, considering their relation with other parts of the British empire in North America? First of all, there appears to be no reason for believing that the dissatisfaction which is represented to exist, especially in the Lower province, is either so general or so positive, — so fixed, or so deeply rooted, — as to leave no reasonable hope of its being got over by ultimate permanent arrangements. I have, to-night, and for the hundredth time, heard from some Gentlemen opposite, nothing but expressions of regret as to what the Noble Lord and his Friends have said and done, in reference to their exclusion of all Conservative Gentlemen from the Government, not on account of financial and domestic matters only, but of a thousand other causes. The House cannot but remember that the utmost delight was manifested, on the other side, at my exclusion from office. Yet, to-night, from that side of the House, we have been distinctly told that if the Conservatives had remained in office, the interests of the country would have been much better managed than they have been by her Majesty's present Government. Yes, Sir, to-night the Honourable Member for Kilkenny has declared, that he has no doubt if Lord Aberdeen had continued in office there would have been no insurrection in Canada.

["Hear, hear," from the Opposition benches.]

But there are two corollaries which may be deduced from this declaration; and the first of these is, that nothing could have been more factious and unprincipled than the opposition which effected my Noble Friend's expulsion.

[Cheers from the Opposition.]

"See," says the Honourable Gentleman, "the enclosure in Lord Aberdeen's despatch; that will show that there was every disposition on the part of that Government to make any concessions that might be consistent with the integrity and honour of the British empire." If, then, Lord Aberdeen had remained in office, this question would never have been brought forward. It was wrong, therefore, that his Lordship should have been excluded from office. But if these consequences never would have arisen had he remained in office, would it not be just, since our policy has been approved of, to give us another trial?

[Loud cheering from the Opposition.]

Will it not be unwise to apply the principle of separation with respect to the Canadas because there have been at Richelieu and St. Denis some slight insurrection or excesses? The Honourable Gentleman opposite says, at once, "Shake them off, for their connexion henceforth will become grievous and burdensome;" but I say, "No: try first those counsels which you admit might, if they had been carried out, have prevented these disturbances."

[Cheering from the Opposition.]

The Honourable Gentleman cannot deny this admission, for he has read an extract from Lord Aberdeen's letter, in which his Lordship refers to the grievances complained of in Canada, and points out means which he thinks may redress them; and the Honourable Gentleman's conclusion is, that had such principles predominated over this question it might have been settled,—not, indeed, by a hostile course, but by one that would have conciliated and satisfied the Canadians. There may be some who will say, that the Honourable Member for Kilkenny has been indiscreet—that he does not see the force of his own admissions; but the Honourable Member for London also shares in his condolence. He, also, has one bright example—one great exception—to adduce; for he laments that Sir George Murray has not remained in office; and, moreover, that Sir James Kempt has not continued Governor. "If," said the Honourable Gentleman, "Sir George Murray had remained in the Colonial Department, and if the principles he has expressed had been allowed to predominate, the financial question in respect to these colonies would have been settled." But, I will ask, what is the question to-day? Is it not one of finance? Yes, it is one of feeling, but it is also one of finance. The Honourable Member for Kilkenny then deplored the exclusion of Lord Aberdeen from office, because the course he proposed would have conciliated the Canadians, and the Honourable Member for London, a consummate judge on such questions, deplores the exclusion of Sir George Murray, because the policy he adopted would have removed all their financial grievances.

This, then, surely affords collateral proof,—first, of a most factious combination to exclude honest and well-intentioned and successful Ministers, as we were, from power; and, secondly, the proof that we ought not lightly to dispose of these colonies, because unwise men may have succeeded us, whose policy has increased those disturbances; that it does not, therefore, follow, that there has not been room for the legitimate hope of settling this question by mild and conciliatory measures. But, even supposing the principle of the Honourable Gentleman to be applied to a separate dependency, such as Jamaica, I must nevertheless deny its application. Is this great country prepared to say to the people of a colony, on the first manifestation of any rebellious feeling, "Separate from us, and establish a government for yourselves," instead of recalling them to their duty? I think not; and that, on the contrary, the application of this principle is perfectly inadmissible. But if it applies to so distant an island as Jamaica, it will apply also to any one that is nearer,—even to those that are most contiguous to this country; for instance, the Isle of Wight. Suppose the people of the Isle of Wight should think fit to say, "We are satisfied, from the conclusions we have drawn from the rules of that philosophy that has lately been taught, that republics are as fit for small communities of 50,000 or 60,000 men, as they are for communities of millions; we wish to try our hands at a small republic, within sight of France, which shall be without taxation. There are several small Italian republics which we can show you, that are better managed than larger countries; and therefore, as we are separated from England by the Channel, and do not like your constitution, and have objections to your taxation, we will form ourselves into a small republic." Or, again, suppose this were said of the Isle of Man. If this principle be applicable at all, it is so with respect to those places that are the very keys of our security, but in which you ought, by this reasoning, at once to resign all interest or property. But the Honourable Gentleman, foreseeing that the Isle of Wight might be a temptation to France, and might ultimately fall under her power, would find it convenient to say, "No, we cannot permit you, the Isle of Wight, to separate from us; you are essential to our security, from your contiguity to Portsmouth, which you protect, and therefore England cannot admit of your separation." If, however, the Honourable Gentleman's principle be good in one case, it ought to be so in all. Now, in considering the case of Canada, some peculiar circumstances are to be taken into consideration which especially regard the political and local relations of the two provinces of which that colony is composed. Surely it is our duty to consider the consequences of a separation from the mother country, as they may affect our colonies in the immediate neighbourhood of Canada. If even it could be foreseen that on Canada erecting herself into an independent state, she would be wholly unable to maintain herself in a quarrel with the United States; and, on the first *bonâ fide* quarrel in which she might be involved with the United States, might fall to them, and be annexed to their other territories by the right of conquest; and, consequently, that our fellow-subjects in our British American colonies would thus be separated from each other;—we should still be bound, not only by the obligations we owe to the Canadians, but by those which we owe to every other part of the empire in the adjacent territories where British interests have been settled, and now flourish under the faith of British protection, to preserve the rights of those colonies, of which Canada, again, may be stated to be the key.

Suppose, now, that the Government should permit Lower Canada to establish herself as an independent state. What are you to do with the navigation of the St. Lawrence? Suppose, again, that the inhabitants of the neighbouring provinces of Nova Scotia, New Brunswick, and Prince Edward's Island were to say this: "We have emigrated hither and made settlements here, on the faith of your assurance that Canada was to remain in a subordinate position to, but as a portion of the empire of Great Britain. You gained it by brilliant conquest; and a treaty of peace, which ceded it to England, was signed, that has now existed upwards of seventy years, and you instituted a form of government there with the best intentions for the advancement of the colony; but although that government has not been successful, we decidedly object to the sacrifice of our own interests by your permitting the establishment of an independent American State, which may at any time stop up and prevent our communications with Upper Canada, and close the only outlet for its produce." I maintain, therefore, that the independence of Canada is not a simple abstract question, but one which cannot be fairly or politically considered separate and apart from the case of our other North American colonies. It appears that the situation of Canada, her geographical locality, and the physical aspect of the other colonies of this country in North America, must be considered together. This House and Her Majesty's Government can only look at Canada as an independent state, when the position of those other colonies of North America can authorise them to be considered as independent states. And what right have you to determine this connection between the colonies and the mother country, if the former have expressed themselves favourable to its continuance? The former, however, are prepared to perform all their duties to this country as colonies; and, therefore, I maintain that it would be the highest absurdity, on the part of England, to allow such connections to be lightly broken, or to overlook the impolicy of making the navigation of the St. Lawrence dependent on the permission of a new republic, whose boundary would be conterminous with the frontier of the United States. On this double ground I think it is incumbent on this country, for the honour of the British Crown, for the interest of the British dependencies, as well as of Great Britain herself, not to permit this revolt to be triumphant, or the British standard to be lowered in subjection to the successful efforts of a M. Papineau. At the same time I think it necessary to say, that I shall give my cordial assent to this address, though I must state that I do not mean thereby to imply any approbation of the course which has been pursued by his Majesty's Government throughout these proceedings;—I shall give, I repeat, an unhesitating and unqualified support to this address, from the firm conviction which I entertain (and this is a most essential motive) that this country has acted liberally and fairly towards Canada. It is impossible to look at the correspondence which has been laid upon the table, from time to time, and not to say that, occasionally, there have not existed some grave grounds of complaint. But how is it possible that it should be otherwise? How is it possible that even at home this country could maintain its authority and dominion, if on the first statement of every little grievance resort were to be had to arms?

I will not pretend to deny that during the late war the affairs of Canada may have been somewhat neglected, and that there may, sometimes, have been just cause of complaint; but of late years the affairs of Canada have been recognised as matters of essential importance, and I have never known an instance in which a mother country has manifested a greater desire to do justice to a colony, and to observe a conciliatory line of conduct towards it, than has been exhibited by this country in its treatment of Canada. In a passage of the address of the Assembly of Lower Canada, which has been already referred to by the Noble Lord opposite, it is stated that the Report of the committee of this House of the year 1828 which sat on the affairs of Canada, and the recommendations embodied in it, furnished "imperishable monuments of the justice and liberality of this country" in the consideration of those matters. But I beg the House to recollect, that Lord Aberdeen not only acted up to the recommendations of that committee of 1828, but went beyond those recommendations, in the course which he pursued; and in every case in which those recommendations were not acted upon, the delay arose not from the Government at home, but with the Canadians themselves. It is useless, therefore, now to discuss the question, whether or not, in recent years, this House has manifested a disposition to attend to Canadian questions. There is an end to the assertion that no such disposition has been shown. At the same time I am not the less prepared to admit that the habits, the feelings, the prejudices of the people of that country, are not like the prejudices, the feelings, the habits which actuate us here; and therefore large allowances ought to be made by us for the conduct which the Canadians, under their influence, have pursued. But these considerations relieve me from doubt or difficulty in the case before us; and I say that, convinced of the justice of our cause, of the folly that on any such allegations of grievances at least as are to be found in any part of the papers which have been laid before us, men should have proceeded to these lengths, — to organise revolt against the British authority, to commit high treason, to resist the authorities and the military power and the civil power, and the execution of warrants against those who stood charged with offences against the state, and with inciting the people to rebellion;—convinced as I am that if the authority of the Crown is to be maintained, either in Canada or at home, this revolt must be suppressed;—I shall, I repeat, give my unhesitating and unqualified support to the address which has been moved by the Noble Lord, and to whatever measures, at whatever hazard, may be necessary to carry the objects of that address into full effect. But I cannot imply, by that support, either general confidence in her Majesty's present Government, or (which, indeed, I am most anxious to guard myself against being supposed to feel) any approbation of the course which that Government have adopted in reference to this great question.

Sir, had it not been for what the Noble Lord has said in the course of his speech on opening this debate, this is a part of the question which I should have been content to pass over in utter silence. But it has pleased the Noble Lord to challenge these observations by a reference to the documents on the table, on which documents he went on to claim our approbation for the conduct of her Majesty's Ministers in the whole of this affair. I say that, upon these papers, it is clear that some measures of precaution were neglected, which might have been taken by the Government to prevent this revolt. But before, I come to this conclusion, I am recommended by the Noble Lord carefully to look through the papers which have been printed, and see whether, or not, the authorities in Canada complain of any want of military force in that country. Sir, I know not with whom the blame may really lie; but this I must say, that, after passing the resolutions of last year in relation to Canada, and looking to all the excitement and angry feeling which might naturally be anticipated as likely to arise in Canada after their adoption, somebody in power, either at home or in Canada, might, surely, have anticipated that some such result was very likely to follow, as this.

[Loud cries of "Hear, hear!"]

Yes, that is my impression. What they have to say for bringing in their resolutions, and not bringing in a Bill at the same time, when they related to the appropriation of the money of the people, actually to compel the payment of that money, — I know not; but surely never could a more delusive hope have been entertained by any Government, than to suppose that anything like a satisfactory issue could result from the passing of those resolutions. On what notion was it that you could "lay that flattering unction to your souls," that those resolutions would not increase the disaffection of the Canadians? If you did right in bringing forward those resolutions, why did you not follow out their spirit and their object by passing an Act founded upon them, immediately afterwards? If you did wrong, why did you persevere in pressing them on? Did you, the Government, imagine that you could pass those resolutions, declaring that the British Legislature could not trust the House of Assembly of Lower Canada with the management of the public funds of that important colony, although you did not go on to follow up such resolutions by passing a Bill in conformity with them,—without producing much of angry excitement and irritation in the province? For my part, I firmly believe that such a Bill might have passed last year. Any delay was most prejudicial. I consider that it has actually proved to be, in this instance, very unfortunate. I hold that you did very wrongly in not carrying your Bill through, before the recess, at once. Any delay like that which you have permitted was sure to encourage a belief on the part of the Canadians, that at home you were too weak to enforce your resolutions. Accordingly, the result has been to induce them to venture upon these evil courses under that fatal persuasion. There was not the slightest prospect that any delay in passing the Bill embodying your resolutions would conciliate the Canadians. Her Majesty's Government, on the contrary, immediately after passing those resolutions, might, I still think, have expected some such result as an insurrection. Exactly the same course was taken by the British Government of that day with the celebrated "Stamp Act." You passed the resolutions sanctioning the imposition of a stamp duty in what were then our American colonies, a Session before you brought in the Bill which was to give effect to them; and that Government contended, just as you did last month, that an objectionable mode of proceeding would be obviated by bringing forward the resolutions and postponing the Bill! Those Ministers said, almost in your own words, "that they hoped that that course would be a warning to our North American fellow-subjects, and that they felt confident the Bill would be unnecessary." The same result, however, then ensued as has happened in this case; for, by thus formally calling in question the authority of the local Legislature or Assembly of the colony, an insurrection was excited against the mother country. I therefore say, that from those resolutions, inasmuch as they related to the appropriation of money, her Majesty's Government might have expected increased disaffection among the Canadian population. In addition to this consideration, on whom were her Majesty's Government to rely for support? Why, on another party, who were also dissatisfied with the treatment they had experienced. But, then, says the Noble Lord, "what good would have arisen from this?" I know not. But I know what is the picture I find of the country, drawn so lately as the 12th of October, in one of these very papers. The writer says (I quote from a despatch of the Governor): —

> Some of the immediate fruits of the system now in operation, which, if not put down, must lead to the worst consequences, are to be seen in the apathy and inaction of such of the magistracy and persons of property who had not joined the revolutionary party; in the extreme difficulty of obtaining accurate and available information of what is passing; and, judging from recent events, in the little probability, even if evidence of sufficient weight could be procured to arraign the offenders, of a jury, taken from the district of Montreal, finding bills and convicting on them.

Thus did the Governor think it right to represent the inadequate power of the local Government! Such was, at this time, the state of the colony! In this manner was loyalty discouraged! Now let us see the way in which they have cherished those true men whom we are now thanking for their loyal conduct, — who have turned out to supply the place of the regular troops, and who were immediately denounced as Tories and Orangemen. Again, he says, —

> It is proper I should represent to you the inadequacy of the powers at the disposal of the general Government for meeting the difficulties that surround it. The law fails to afford its support; the civil authorities become, therefore, impotent; the *Habeas Corpus* Act cannot be suspended; the clergy, though well disposed and loyal, are reluctant to come forward. Any further appeal to the present Parliament would not only be inexpedient and useless, but positively injurious, and a dissolution offers no prospect of a more reasonable House of Assembly, nor any hope that the new House, which would be composed of a majority of the old members, would recede, in any particular, from the demands so pertinaciously insisted on by the present body. Indeed, a dissolution, if decided on at all, should not, at any rate, be resorted to before the whole of the arrangements and measures which you have in contemplation respecting this province, shall have passed into law and be perfected. In such circumstances, and seeing that the Imperial Parliament has solemnly and unequivocally stated that it will not accede to the Assembly's demands, I am forced, however reluctantly, to come to the conclusion that the only practical course now open for conducting the affairs of the province with any benefit to the inhabitants generally, is at once formally to suspend the present constitution, which both parties unite in confessing cannot now be worked, and which has, in fact, for the last twelve months, been virtually suspended; to increase the military force, and to strengthen the hands of the Executive, now almost impotent for any good and useful purpose.

Such is the lamentable state of this colony, in which, during a long period, the loyal inhabitants, as I have said, have been discouraged by the authorities. True it is, that they are now recognised in their real character; but at one time they were taunted in the manner and with the epithets I have described, when they were called on to stand forward and take the place of those troops which we ought to have sent, but did not send, to Canada. Let me once more refer to this document, to show, more specifically, the nature of the treatment to which these loyal inhabitants of the provinces were exposed.

> The mode of proceeding adopted for keeping up and increasing this feeling, is by parading, nightly, in the town of Montreal, large and organised bands of men, who, however, have as yet proceeded to no acts of violence or breaches of the peace; by inflammatory speeches at meetings; by seditious publications and resolutions of the central committees; by placing (in the most disturbed of the rural parishes) those who are loyal and hold opposite political opinions under a species of excommunication, and keeping them in dread of nocturnal injuries

> to their property; by burning in effigy those in higher stations, and by subjecting them to a kind of annoyance, called a *charivari*, which is the assembling of a crowd before their doors, for the purpose of alarming them and their families at night with uncouth noises, hisses, threats, and other manifestations of popular displeasure. Sir John Colborne, the Honourable Mr. Debartzeh, and others, have been exposed to this kind of outrage, which, in a recent instance at St. Denis, in the county Richelieu, was unhappily attended with loss of life and property.

Such, then, was the mode in which the loyal portion of the population of the Canadas was disheartened — I should rather say discouraged; and surely they should never have been left, after those resolutions of last year had passed your House, without powerful military support and co-operation. The only way effectually to discourage true men of this character is, to be sure, to leave them without any adequate military assistance to protect them from such scandalous excesses. The Noble Lord (Lord J. Russell) may ask again, if he pleases, whether any such military force had been required by the authorities in the colonies? Why, Sir, on this subject Lord Glenelg, himself, was so satisfied—so convinced—that the passing of those resolutions would increase the already avowed discontents of the Canadians, that, on the 6th of March, he wrote to Lord Gosford, stating that two additional regiments should be sent out to Nova Scotia from the colony. On the 12th of March he writes word, that he finds that the despatch of these would be so inconvenient, and the demonstration consequent upon the introduction of such a force would be so inexpedient, that the disadvantages would more than counterbalance all the possible benefits of such a proceeding. It is pretty evident, however, that this was not Lord Gosford's opinion. Lord Gosford, at a subsequent period, stated, so far from the presence of an additional military force there being attended with inconvenience, that he wrote to the governer that the arrival of a regiment in Canada, from New Brunswick, had been attended with the greatest possible benefit. But was the arrival of Sir John Colborne inconvenient? Did that demonstration of force prove disadvantageous? Why, the papers which have been laid upon the table of the House show that the measures of Sir John Colborne were absolutely necessary; for, in one portion of those papers he states, that the troops, which he himself had sent for, had not arrived in consequence of the advanced period of the year, although three expresses had been sent forward by him to hurry their march. It was generally understood, that the militia could not be called out to act, unless in the case of a war with the United States, — under the existing law. If, then, it was impossible, as it appears to have been, to procure, at certain periods of the year, any augmentation of troops from Nova Scotia and New Brunswick — (I care not what defence may have been set up, but this I shall continue to maintain, whatever opinions may have been given by others on the subject) —there must have been a lamentable want of foresight, either on the part of the Colonial Government, or the Home Authorities, when they passed such resolutions, influencing, as those of last year did, the state of all classes of the Canadian community, without taking care to secure to the loyal inhabitants of the province the support of an efficient force; thus leaving those inhabitants—an innocent and rural population, who were, of themselves, not disposed to revolt—to the machinations of the disaffected and designing. I know that it may be asserted by some, who imagine that they take a more extended view of the subject than I do, that permanent evil is likely to result from this rebellion. I do not agree in that opinion, although I believe that the insurrection has arisen from certain disaffected persons, whose arts have been brought to bear upon a people naturally unsuspicious and quiet. I trust that the insurrection will speedily be put down. The information, however, as to the extent of the insurrection, is not, as communicated by Lord Gosford, at all satisfactory or conclusive; for, in one despatch, he states, that the feelings of disaffection extend to so few that none need entertain any alarm at their progress; yet, in another despatch, dated only the next week after that which I have just now quoted from, his Lordship says, that "the communication with the troops which have been called upon to act in the disturbed districts, and to put down this sudden and extensively combined revolt, have been completely interrupted by the armed peasantry, assembled at different points in the line of march, and that the Queen's troops cannot move without having an enemy on their flank and rear."

With such evidence as this before me, will any man presume to tell me that blame does not rest somewhere? Sir, I say it was the duty of the Government to have been ready, after these indications, with such an overwhelming military force as might have crushed the rebellion, when it manifested itself, in the bud, and at once. They ought to have so ordered affairs, that there should have been the required means immediately available, to meet the exigency whenever it might arise. But when I see the varying and inconsistent communications of Lord Gosford to the Government at home,— his views changing from day to day,— now viewing the insurrectionary movement as confined to a few agitators,— now treating it as an extensive and organised combination throughout the greater part of the colony,— I am the less surprised at the vacillation and uncertainty which have marked the proceedings of her Majesty's Ministers in this matter. I very much agree with the Honourable Member for Kilkenny in one observation which fell from him in the earlier part of this debate. I think, with him, that the main responsibility rests, in this instance, with those who have induced a well-intentioned and a harmless people to plunge into a revolt,— and as I, in my conscience, believe,— happily a most hopeless revolt. There might be, by possibility, some palliation for their rushing into these courses under other circumstances. Whether that plea could avail them or not, morally speaking, had there been any chances of success in their favour, I will not inquire. But, in this case, when I see what is the very different aspect of these transactions,— when I have the evidence comprised in these printed papers, to the generous feelings of the loyal British inhabitants of the colony,— when I see that, in the province of Upper Canada, which the Honourable Gentleman (Mr. Hume) has represented as being discontented and turbulent, the attachment of the British race to British connection is so decided, and a regard for the interests of the British crown so general, that the attempt at insurrection within that territory has been at once suppressed, without the presence of a single soldier of the Queen's service (all the regular force having been sent to Lower Canada);— when I see all this, I ask, what can they plead, of whom I must say, that they have manifested the most gross ignorance of their own prospects of success, when they embarked in the guilty project of involving an open-hearted and simple-minded population in such an insurrection as that of Canada? And when I heard the Honourable Gentleman the Member for Kilkenny (Mr. Hume), with manly candour, and in terms of just reprobation, condemning those whose inflammatory language and rash precipitation had induced others to break out into this insurrection, my eye happened to glance at the following passage from the Report of the Committee of the House of Assembly of Upper Canada:—

> It appears from letters of Mr. Joseph Hume, addressed to some of the Ministers of the Crown, that he is desirous of representing himself as the agent, or, at all events, as being authorised to express the sentiments of the people of Upper Canada, on the subject of their political feelings, and the public affairs of the province. Your committee are of opinion that the honour and character of his Majesty's loyal subjects in the province require that it should be promptly and emphatically declared by their representatives, that Mr. Hume is among the last men they would select to advocate their cause, or represent their feelings or wishes to the British nation. The people of Canada recollect that, in the year 1834, Mr. Joseph Hume addressed a letter to a correspondent of his in this country, which, referring to his correspondent's recent expulsion from and re-election to the Assembly, contained the following treasonable language and advice:—"Your triumphant election on the 16th, and ejection from the Assembly on the 17th, must hasten that crisis which is fast approaching in the affairs of the Canadas, and which will terminate in independence, and freedom from the baneful domination of the mother country, and the tyrannical conduct of a small and despicable faction in the colony. The proceedings between 1772 and 1782, in America, ought not to be forgotten; and, to the honour of the Americans, and for the interest of the civilised world, let their conduct and the result be ever in view."

[Loud cries of "Hear, hear!" from all sides of the House.]

And this, Sir, was the language which, in the year 1834, was addressed by the Honourable Member for Kilkenny to a recently expelled member of the House of Assembly of Upper Canada. How grossly he miscalculated the feelings and the loyalty of the inhabitants of the upper province, may be inferred from the following passage of the same document:—

> And when it is remembered with what indignation and disgust the publication of this detestable communication was received throughout the province, his Majesty's loyal subjects cannot but regard with abhorrence the idea that the person who had thus insulted them, should be supposed by their Sovereign, and their fellow-subjects in the United Kingdom, to be their accredited agent, that they held any communication with him, or that he was in any way clothed with authority to speak their sentiments, or represent their views, on any subject, public or private.

This, then, is the indignant declaration of the people of Upper Canada, through their representatives. Suppose we had applied the principle contended for, and the advice which has been given by the Honourable Member for London (Mr. Grote), as to colonies which have indicated any desire of separation, to this province of Upper Canada; — suppose we had credited the broad assurance of the Honourable Member for Kilkenny, that Upper Canada was ripe for revolt, — the same indignation, but in greater measure, with which the inhabitants of Upper Canada regarded the letter of the Honourable Member for Kilkenny, would have been poured out upon you, the Legislature and Government of this great country, for your abject pusillanimity. And who was the correspondent to whom the Honourable Member for Kilkenny addressed this inflammatory language, urging upon him to bear in mind, and never to lose sight of, the successful struggles against British authority in those provinces now comprehended in the United States? It was that very Mackenzie, who has since made an ineffectual attempt on the loyalty of this province of Upper Canada, during the absence of her Majesty's troops, — that Mr. Mackenzie who now may well quote the authority of the Honourable Member for his proceedings, and say to the British Legislature, holding before them this letter, —"I acted upon the authority of one of your own body, *now* the Honourable Member for Kilkenny; visit not, therefore, this delusion on me, nor hold me to its consequences, who have been the mere agent and instrument of another; but visit them rather on your own Member, to whom I gave credit, not as to an obscure individual, but as one of the *then* Members for your metropolitan county, — for an adequate knowledge of British interests, and an intimate acquaintance with British feelings and opinions. I have been betrayed by the advice which I received from the Honourable Member for Middlesex; and, in apportioning the punishment to which I must be subjected for my misdeeds, I desire you to remember his own emphatic declaration" (that declaration which the House of Commons has heard from him this evening), "that the real responsibility for these revolts against authority rests, not with the humble executive agents, but with those who have given advice, and offered suggestions, disparaging to the interests and authority of their own country, and destructive to the integrity of the British empire."

LORD VISCOUNT HOWICK. — Although the Right Honourable Baronet who has just sat down has expressed his intention of voting in support of the address, which has been moved by my Noble Friend the Secretary for the Home Department, and although there was that in the speech of the Right Honourable Baronet in which I entirely and completely concurred; still there were some observations made by the Right Honourable Baronet in the course of that speech, — some remarks upon the past conduct of the Government with which I have the honour to be connected, — which I think should not be permitted on the present occasion to pass altogether without notice. The Right Honourable Baronet commenced his speech by dwelling, at a length hardly in proportion to the importance of the point, upon the mode of proceeding adopted by her Majesty's Government on the present occasion; and on his objection, — that the Government should think it proper to proceed in this question upon the mere presentation of papers, instead of upon a formal message from the Crown. The Right Honourable Baronet himself seemed to feel that this was a mere difference in form; and that the presentation of papers by command was, in point of fact, as satisfactory a communication of information upon such a subject as a Royal message. This being the case, I must own that the question of form, therefore, is not one of very great importance; but, for my own part, I think that, whatever advantage there may be on the one side or the other, that advantage is in favour of the course adopted upon the present occasion. For my own part, too, although I know it is necessary to adopt strong measures for suppressing the insurrection in the Canadas, I still think it proper to show some difference between the case of an insurrection by fellow-subjects, and that of a rising on the part of the enemies of the Crown.

The Right Honourable Baronet adverted to some remarks which, in the course of the discussion, have been made by the Honourable Member for Kilkenny, and by the Honourable Member for the city of London, and has given the House an amusing account of the inferences which he draws from the panegyrics of those Honourable Members upon the acts of a former Administration, to which the Right Honourable Baronet himself belonged; and, in particular, he alluded to the supposed desire of the Honourable Member for Kilkenny to give the members of that Administration another chance. The Right Honourable Baronet desires the House to give another chance to the colonial administration of Lord Aberdeen —

[Loud cries of "Hear, hear, hear!"]

Let me ask him on what grounds can

he make this claim on the liberality of the House, to admit the great superiority of that Government in a wise and liberal policy, over the Government which has now the honour of serving her Majesty? The whole of the approbation which has this evening been tendered in favour of Lord Aberdeen for his conduct as colonial secretary, is founded on a minute which is printed among the papers that are now before the House. The whole object of that minute is to prove, and it does so, most conclusively, that during the administration of that party which now holds the reins of office, the grievances which were set forth in the Report of the Committee of the House of Commons, which sat in the year 1828, upon the affairs of Canada, had been redressed. Now, this is the object of the minute in question, as drawn up by the Earl of Aberdeen; and I willingly give that Noble Earl the fullest credit for the great candour and liberality of feeling which has prompted him—a political opponent of those whom he succeeded in office—to affix his signature to such a document, prepared, as it evidently has been, by some person perfectly well acquainted with the details of this question.

With regard to the panegyric which was pronounced upon the merits of the colonial administration of Sir George Murray, by the Honourable Member for London, and which it pleased the Right Honourable Baronet, in the next place, to touch upon; the Right Honourable Baronet appeared to concur in, and to accept for his government, all the credit and praise which had been bestowed upon it by the Honourable Gentleman (Mr. Grote), with whom he seemed distinctly to concur, in assuming that had Sir George Murray continued to hold the seals of the colonial office, the financial questions, which form so prominent a part of this business of Canada, would, ere now, have been settled. Now, it does appear to me that the Honourable Member for the city of London, cannot have read with much correctness or attention the papers which, from time to time, have been printed on this subject for the use of the House. He has read largely from the despatch of Sir George Murray; but it seems to me that he must have confined his examination of that document to the mere expressions of liberality contained in the despatch, without extending it to the acts of the Right Honourable Secretary himself, by whom the despatch was written. Now, what is the fact? The committee of the House of Commons of 1828 recommended in the strongest terms, that one great grievance, which had been constantly urged by the Canadian Legislature (namely, that they possessed no control over the colonial revenues), should be remedied by the British Parliament, by providing that the revenues arising under the Acts of 1774 should for the future be placed at the disposal of the House of Assembly. Now, what steps did Sir George Murray take — what did he do — in furtherance of this object, during the three years for which his government subsisted? Nothing; except, indeed, that in the last of those years he brought in a Bill, in a most imperfect shape; and for the remainder of the time, in spite of the liberal expressions contained in his despatches, he left the appropriation of the revenues raised in the Canadian provinces solely controlled and directed by the Treasury at home; and I have very little hesitation in saying, that if the Bill which I (acting, as I then did, under the Earl of Ripon's colonial administration) had the honour of bringing before the House, and which passed into a law in 1831,— I have little hesitation in expressing my belief, I say, that if that Bill had passed in 1828, after the Report of the Canada Committee, or even in 1829 or 1830, the result would have been very different from that which has now occurred.

It is not my intention to enter into any discussion on these points, on the present occasion; but when I hear Honourable Gentlemen on that side of the House make this sort of assertion, and when I find their admissions taken up by the Right Honourable Gentleman opposite (Sir R. Peel), and made use of with that amusing dexterity of which he is so perfect a master, and which creates impressions not justified by the real facts of the case,—I consider it only due to those who were concerned in those important affairs to make an endeavour to set the facts of each case in its true light. The Right Honourable Gentleman says, that, though he concurs in the address, he does not acquit the Government of a want of due precaution respecting Canada. The Right Honourable Gentleman says, that when the House passed the resolutions of last Session, it was the duty of Government to have despatched sufficient forces to Canada to maintain the authority of the Crown there; that it was perfect weakness and delusion in the Government, and an utter and fatal mistake, to suppose that the postponement of the Bill which was to be founded on those resolutions would prevent their having the effect of irritating the Canadians. I cannot but observe, that the Right Honourable Baronet is totally mistaken as to the reasons which operated to prevent the proceeding with that measure in accordance with the resolutions agreed to by the House. It was the anxious desire of the Government to proceed with that Bill, and we did not abandon it under a weak and miserable delusion, as he is pleased to suppose—for the Right Honourable Baronet must be aware that circumstances over which the Government had no control rendered it utterly impossible for us to go on, with any advantage, with that measure. It had been brought forward during the serious illness of his late Majesty, and on the demise of the Crown it was impossible to find in London a sufficient number of Members of this House to pass the measure in such a manner as its importance called for, and as alone could give it sufficient authority. Honourable Gentlemen who recollect the events of the last few weeks of the last Session, will bear me out in the assertion that at that time the state of the House was such as rendered it quite absurd to think of proceeding with any measures so serious in their nature as this. There was the most extreme impatience manifested on both sides of the House to conclude with the utmost despatch all pressing business then before it. These circumstances alone prevented the Government from proceeding with the Bill. But, then, admitting that those resolutions required precautionary measures, still the question which the Right Honourable Baronet has raised is, whether the Government had taken proper precautions, or not? The Right Honourable Baronet read a portion, and a portion only, of the despatch, of the 22d of March, I think, from Lord Glenelg to the Earl of Gosford.

SIR ROBERT PEEL.—I referred to the despatch of the 6th of March.

LORD HOWICK.—Very well; but I apprehend that what the Right Honourable Baronet stated was, that whatever might be the soundness of the opinion that further military force was necessary, at all events, that was not the opinion of the Secretary of State. My answer to that is, that though the Secretary of State might think more troops might be wanted, still that there were those upon the spot whom he might conceive to be much better judges than he, in London, could possibly be, as to the time at which it might be advisable to send a further force into the colony. I conceived that until additional forces were actually required in the colony, their appearance might have been very possibly attended with considerable inconvenience. Nor was this apprehension a visionary one. I say that I thought it very possible that the appearance of such a force in a mere civil contest, instead of being of use or furnishing any real support to the authorities, might have had a very opposite effect; and the Right Honourable Baronet himself has read a description of the state of the colony, and of the dangers and difficulties with which the Governor had to contend. What were those difficulties? There were the resolutions passed at public meetings; there was the machinery of agitation; but there was nothing menacing open or wanton violence. True, the suspension of the Habeas Corpus Act might be wanted; but there was no necessity for a demand for additional forces. Regiments were not necessary to put down meetings,—they could not stop speeches. Regiments could not prevent the adoption of resolutions; neither could troops obtain juries to convict men for seditious practices. Additional regiments could not attain any one of these objects. On the contrary, the additional regiment which was sent appears to have produced considerable effect and sensation, and in the papers there will be found ample proof of this. I will refer to one of the enclosures in Lord Gosford's despatch, dated the 30th of October, 1837, giving an account of a public meeting which had been recently held, the object of which meeting was to increase the excitement that already agitated the Canadians; and one of the topics was the arrival at the time of an additional regiment in Canada, and one of the resolutions was to this effect:—"As a climax to our misfortunes, the present Governor-in-Chief has recently introduced, in time of profound peace, a large body of armed troops into this province, to destroy, by physical force, all constitutional resistance, and to complete, by desolation and death, the work of tyranny already determined upon and authorised beyond the seas."

Is it not obvious, that if an armed force was not actually wanted, its arrival before the insurrection actually took place would have been made a handle of by the factious, and would have extended the exasperation against the Government? This was the motive which induced Lord Glenelg to alter his opinion as to the expediency of sending troops to Canada. But, supposing that he did alter his opinion, did he therefore leave the governor without the means of obtaining an additional force? On the contrary, in the very despatch which the Right Honourable Baronet has quoted, in order to show that Lord Glenelg was aware that an additional force was necessary, it is stated that orders had been given to Sir Colin Campbell to forward an additional force from Halifax, on the requisition of Lord Gosford. That was the order given to Sir Colin Campbell: and I will tell the Right Honourable Baronet, that, though it is admitted that in the middle of winter no troops could be sent to Canada, there was no difficulty in detaching a force from Halifax to increase the force in Canada; and that is my answer to the Right Honourable Baronet.

It is clear, from these papers, that whatever troops might be taken from Halifax for a temporary service in Canada, would be sufficiently supplied, and in time, under the existing arrangements. Although I have felt it necessary, this being the first occasion on which the subject has been brought forward, to make these replies to the charges of the Right Honourable Baronet against the Government, I am aware that the charges, if insisted on, would; require more canvassing than would be convenient at the present moment. On a future occasion, if the charges should be pressed, I shall be able to complete the defence of the Government. There seems to me to be, on the present occasion, almost a general acquiescence in the propositions which have come from my Noble Friend. I am not aware of any substantive opposition to the motion.

Mr. C. BULLER. — If, as I fear, I am the party alluded to by the Right Honourable Baronet (Sir R. Peel) as having shown, by my cheer, an insensibility with reference to his argument, founded on a laborious research for precedents, I am sorry if I have offended the Right Honourable Baronet by that cheer; but, if the Right Honourable Baronet had understood the cheer, he would have known that it meant to express my astonishment that a person of his intellectual powers should have expended so much of them on what I cannot help calling laborious trifling. The Right Honourable Baronet says, I am not sensible of the importance of the question, because I am not sensible of the importance of forms. I believe that the forms of the House have been matured with great wisdom; but I am more sensible of the importance of circumstances under discussion. A grave question like this should render us indifferent to forms. I am sorry if I judged hastily of the Right Honourable Baronet's speech, and of the part of it he considered most important; but I did think that the Right Honourable Baronet considered this opportunity most important, inasmuch as it enabled him to taunt his political opponents, and by a dexterous application of what had fallen from the Honourable Members for London and Kilkenny, to call upon them to aid him in turning out the present Ministers, and bringing back those excellent Ministers who had been removed from office by what he termed factious means. I wish to say, as a Member of this House, that it is my intention to vote, to-night, as far as I can, in support of the course adopted by her Majesty's Ministers. I must say, however, that the Noble Lord did show indications, in his speech, of a tone and spirit which did not lead me to expect any liberality on his part. But, when I had got over the little irritation at the tone of the Noble Lord's speech, and came to examine the proofs themselves, I found that I could offer no opposition to his motion. I could not offer any opposition to an address pledging the House to assist her Majesty to put down an insurrection. I do not mean to say that I would put down insurrection in every case, or that, if the British Government had misconducted itself, I would put down insurrection against it. But there is no middle course when insurrection rages; there are but two: the one course is, promptly and discreetly to yield to the claims of the insurgents, where you must acknowledge their justice; the other is, to put it down, and vindicate the majesty and authority of the law. If it be meant to consent to a separation, and leave Canada to itself, let that be done; but if it be meant that the general law should be maintained, the law must be vindicated without parleying with the insurgents, and it is the duty of Government to put down insurrection. If I were for separation, I would at once, and distinctly and unequivocally, say so; but I think there is not a shadow of ground for separation, — not a shadow of foundation for any such claim or pretension. And one ground of objection which I have entertained to the conduct of her Majesty's Ministers, and of those who oppose the claims of the Canadians, has been, that they have rather arbitrarily and unjustly assumed that their demands would lead to separation. I shall not, however, enter into the question as to this point. I have always thought that for us to accede to those demands would in nowise endanger the supremacy of the mother country. These are not questions, however which I will now discuss. I am certainly not an advocate for separation. On the other hand, I am not in favour of the old constitutions of the colonies; but I do not find that they make our colonies desirous of separation. I rely upon the wisdom of our ancestors, which, on this subject, I acknowledge; and on experience; and I hold cheap the arguments of those theorists who wish to brand me with a desire to bring about the separation of the colonies, when I wish them to have the old constitutions of Charles II.

I will not enter into the question of the value of this colony, but must maintain that it is owing to our misgovernment that the present state of affairs exists. I feel that it would be inconsistent with the interests of the colonists themselves to abandon them; but I also feel that it is our duty, at any cost, to repair the injuries which are the consequences of our own misgovernment. I would not have agreed to the proposition of the Noble Lord for putting down the insurrection, had it not been for the other part of the plan, which pledges the House to do ample justice to the inhabitants of the Canadas. And if the Noble Lord's plan had referred merely to Lower Canada, I should have been dissatisfied with it. I should have said an alteration of the present system was justly demanded as regarded an elective House of Assembly, and that we ought to grant it forthwith; but it appears to me, that the government of these colonies and of British North America in general, cannot be properly repaired without a far wider and more extensive and general scheme of legislation. It appears to me essential that we should provide something like a common system of government for the Canadas; and the only way of doing that effectually is, to alter the existing local divisions of the colonies. By what means are these plans to be carried into execution? To legislate effectually, here, in such nice matters, seems almost next to impossible. What, then, is the path to be pursued? It is clear that we should not proceed to legislate in a state of comparative ignorance on the subject. Whatever plan we may adopt, to have a prospect of success, must have the consent of the inhabitants; and with that object we must pursue some such course as is recommended by the Government; we must send out a negotiator to ascertain their wishes, — we must send out a governor with the power of conciliating and consulting the proper authorities. I am not prepared to admit the propriety of wholly suspending the constitution of Lower Canada; at the same time, I do not see that any great practical evil will result from suspending the power of the Legislative Assembly for one year, when its powers are already practically overridden by a superior authority. I hope that any plan which the Noble Lord has to explain to us will give to the people of Canada full security that their just demands will be complied with. We should bear in mind that their difficulties are greatly increased; we have now to disarm the people, to allay their discontent; and we ought to shape our measures so that, in in the first place, the people may be conciliated. That object effected, we may hope to obtain their co-operation. When the Bill is proposed, which I hope will be speedily, it will be time enough to discuss any improvements that may be suggested in it. I hope, also, that the Noble Lord (Durham) whose appointment I have heard of with great satisfaction, will repair, very soon, to a place where he is very much wanted, though it may be somewhat inconvenient to him to go immediately. I have no wish to put myself forward as the apologist of the extreme demands of the Canadians; neither am I the apologist of the revolt; but I trust that the House and the Government will recollect that the surest mode of pacification will be, to show clemency towards those who have committed themselves in the late improper proceedings, and who are now to consider themselves as vanquished. I rejoice that the insurrection has been put down, although I deeply lament the carnage and conflagration which have taken place. We may now consider that the armed resistance is at an end, at least for the time. I rejoice at this, because it appears to me to offer the opportunity of acceding, with perfect dignity and propriety, to the just demands of the people, which we cannot do without adopting a large and liberal and comprehensive scheme of government.

SIR A. DALRYMPLE. — Seeing that the resolutions were originally proposed by his Majesty's Ministers, I scarcely feel myself in a condition to find fault with the Bill before us. I have read through these papers very attentively; and this I must say, that I do not believe that, if you were to search through all the archives of all the governments of

Europe, you could find greater indications of folly, weakness, wavering, and indecision, than in the papers which have been laid before the House on this subject. On the 6th of March, here is my Lord Glenelg saying that these troops, which he promises, are to be sent out. On the 22d of March following, he writes that they are not to be sent out to Canada. Is it not clear that, if the troops in question had been despatched directly, and landed at Quebec,—(and there was plenty of time to allow of their removal from Halifax for this purpose),—the traitors in Canada would have considered well and long before they raised the standard of insurrection,—if, indeed, they had not been utterly deterred from doing so?

LORD JOHN RUSSELL.—My Honourable Friend the Member for Liskeard appears completely to have misunderstood what I said in the course of my speech, and the tone in which I expressed that opinion, in reference to the Elective Council. The Honourable Member supposes that I have negatived every proposition for councils similar to those which existed in the old colonies; but I stated nothing to warrant that assumption. What I did say was, that I agreed with that part of the Report of the Commissioners in which they say, that, without determining whether elective councils may or may not be expedient, or whether they are or are not applicable to the North American colonies; the state of society in Canada, at any rate, is such, as renders it wholly inexpedient to introduce one there. Now, that was the extent of my objection to elective councils. But further, Sir, I would tell the Honourable Member for Liskeard, and those who think with him on this question, that, though it is between the Government, on the one side, and the people of Canada on the other, I think there may be a satisfactory settlement of this question. I shall not hold any settlement satisfactory which does not provide for the security and the interests of the great body of the British settlers and residents in Canada.

[Loud and continued cries of "Question, question!"]

Mr. LEADER.—I do not wish to detain the House for many minutes, nor to enter at large into the general merits of the question, at this late hour of the evening. But I feel myself compelled to protest against the spirit of the address. The speech in which the address was moved contained the most unfounded charges against the Canadians and the House of Assembly; and the Bill which the Noble Lord tells us he means to bring in appears to me to be by no means the sort of Bill which present circumstances require; it contains much more of coercion than conciliation. I feel some difficulty as to the course I ought to pursue on the present occasion. If I were to oppose the address by a direct negative, it might be thought that I was giving a factious vote. The Noble Lord has signified to us no intimation of the course he intends to pursue; he has afforded no time for the consideration of a regular amendment to his address; and, in the present temper of the House, it would be almost impossible to enter into a refutation of the fallacies with which the Noble Lord's speech abounded.

[Laughter, and cries of "Hear, hear!" and "Oh!"]

Sir, I would ask the Honourable and Learned Member for Liskeard whether that speech of the Noble Lord's, of two hours and a half, did not consist almost entirely of misrepresentations of the history and grievances of the Canadians? I state this, not on my own authority merely, but on the authority of those who are far better acquainted with the subject than myself. Unless the Noble Lord will consent to the adjournment of the debate till to-morrow, I shall consiser it to be necessary to oppose the Address by a direct negative, however factious my doing so may appear; because, if I do not, either by an amendment or a direct negative, oppose the motion, I shall be pledged to all the measures the Government may consider necessary,—measures which I fear will be not only at variance with my own sentiments, but also with the sentiments of the great majority of the people out of doors. If it be the intention of the Noble Lord to propose an amnesty, to conciliate the people of Canada, and work the redress of their grievances, then I shall have no objection to the address; but I cannot lose sight of the fact that, in his speech, the Noble Lord has arraigned the Canadian people, and told them he meant to suspend the Canadian constitution. Taking his speech in connection with the measure he has proposed; I cannot possibly vote for the address. I trust the Noble Lord will allow this debate to be adjourned till to-morrow night.

[Loud cries of "No, no!"]

If not, — if I am to be denied the opportunity of showing in what respects I consider the speech of the Noble Lord fallacious, — I must meet the address with a direct negative, and the blame will then rest on the House.

[Cries of " Go on !"]

I really think it unjust of Honourable Gentlemen not to allow the debate on so vital a question to be adjourned, in order that time might be given for a consideration of the question. I shall move that the debate be adjourned till to-morrow; and I cannot conceive what objection there can be to the adjournment I propose.

Mr. BAINES. — I second the amendment, — not with any factious motives, however, for there is no man who is less disposed to oppose the address on any such grounds than I am. I repeat, I hope it will not be supposed that I do so from any factious motive; no man in the House has shown less disposition to any factious opposition than I have; but I take this course, because I think that the present question is one of great national importance, and that we ought to address our minds to it in a manner worthy of the subject. I feel that we have been taken by surprise. No man has come down to the House on this occasion, knowing what it was he was going to discuss — knowing, beforehand, what it was he was about to vote upon: and without that information it is impossible that we can arrive at any safe result. I intreat the Noble Lord that he will afford to the House and the country a fair opportunity of discussing a matter of this vital importance. This is a question of neither more nor less than a civil war in a vast colony of Great Britain.

Mr. HUME. —The question is, whether those who have not yet had the opportunity of speaking on this debate, should have that opportunity to-morrow of doing so, and of contradicting the statements of the Noble Lord, which are full of fallacies. The Noble Lord has made many statements which I am confident cannot be sustained, and it appears as if he was afraid of allowing the lapse of the short space of twelve hours for an examination of them. He has taken the House by surprise, and he ought not to refuse us the opportunity we ask. I have no hesitation in telling the Noble Lord, that if the second part of his plan, being that for suspending the constitution of Canada, had not been proposed, I should not have made any objection to his motion; but looking at that serious question, I do think we ought not to agree to this proposition. If the Noble Lord wishes to secure an unanimous opinion on this question, he had better withdraw that part of his proposition which goes to the suspension of the Canadian constitution, and bring in a resolution stating distinctly what he recommends, with a view to the alteration of the present system, and the redress of grievances.

LORD J. RUSSELL. — I hope that I shall not be considered as adopting any unreasonable course when I declare that I must oppose the adjournment. When the Honourable Gentleman (Mr. Hume) talks about the House being taken by surprise, I beg to remind him that when the House last adjourned, on the last day of our meeting, last year,—I fixed this day for the disussion of the affairs of Canada; and I gave notice, at the same time, that, on the subsequent days, this subject would take precedence of other Bills. As to this particular motion, nothing could tend less to pledge the House to any specific measure than the present address. The question is simply this: whether we are, or are not, determined to maintain the allegiance of the Canadians; or whether we will at once abandon them? That is a question on which I think I may fairly ask for the decision of the House. Some Honourable Gentlemen opposite have blamed the Government for not having adopted more decided proceedings on the first moment of their receiving the first intelligence from Canada. I will not enter into that subject now, or go into any vindication of the Government, further than to say, that I think some advantage has resulted from allowing time for the arrival from Canada of more complete information, which has cleared up that which was before somewhat obscure. Time was also to be desired, in order that the papers may be considered. But when all this has been done, I think it is too much to ask for further delay. The Honourable Gentleman must be perfectly conversant with the affairs of Canada. He must recollect that when I was not able to make any speech on the subject, he himself, and his friends, availed themselves of the opportunity of a public meeting at the Crown and Anchor to express their opinion on this vital question. They stated fully their views on the subject, on authentic information which they said they had collected; and having thus gone into the matter, it is surely too much now to say that they are not able to answer the speech I have made this evening. I shall certainly consider that those who vote for the adjournment give a direct negative to the address.

Mr. WARBURTON. — Looking, Sir, to the momentous consequences of our present proceedings, I am of opinion that an opportunity for consideration ought, at all events, to be afforded to those who may not happen to have attended the meeting referred to by the Noble Lord. Considering all the consequences, as they affect the people, of the vote which may, this night, be given, I do think that to vote for the motion after a few hours' debate, without giving an opportunity to every Gentleman, who may think proper to address the House, for doing so, is rather hasty; and still more so, if we consider that this is a very important question, and that we now ask for the shortest delay possible, — for an adjournment of only a day. The Noble Lord, who thinks this matter so momentous as to require this expedition, might have called Parliament together earlier, or might have proposed a shorter adjournment; but, considering the period of adjournment, and considering the period at which the ports of Canada will be open to the passage of troops, and that a delay of a day, more or less, could in no way affect the decision of the question, — I do think that a delay of one day would be only just; and it would, also, be a great satisfaction to very many Gentlemen who are now anxious to have an opportunity of fully expressing their opinions on the subject.

Mr. D. BROWNE. — I will certainly vote for this address, if it be pressed to a division; but, at the same time, I cannot agree with the Noble Lord (Russell) in voting against the adjournment of the debate. I do not consider that it is asking too much to adjourn, for a few hours, the final decision of the House upon a question affecting so deeply the treasure and the blood of the people of this country. I must also say, that I do not think we are giving the friends of Canada a sufficient opportunity of defending the claims of the people of that country; and I regret to observe that, in my opinion, the Noble Lord is taking an unfair advantage of the support he feels that he may reckon upon in this House.

Mr. DARBY. — I must protest against being supposed, in voting for the adjournment, to vote against the address. At the same time, I am perfectly ready to vote, on principle, for the address; but I do not consider that I am acting inconsistently in voting for the adjournment.

Mr. S. O'BRIEN. — I would beg, also, to guard myself against being supposed, in voting for the adjournment, to be opposed to the address.

The question was then put, "That this debate be adjourned till to-morrow" (this day).

Ayes	28
Noes	188
Majority against the adjournment	160

The original question was then read, and agreed to; and the address was voted without a division.

LORD JOHN RUSSELL. — I now rise to move for leave to bring in a Bill to provide for the temporary government of Lower Canada. What I wish to do is, to bring in the Bill to-morrow (this) evening, and to have it printed, and then to fix it for a second reading on Monday. I shall likewise propose, that on days fixed for proceeding with this Bill it shall take precedence of all other business. It is also my intention, to-morrow, in case no business then stand before the House, to move that this House do adjourn till Monday.

The SPEAKER was proceeding to put the question, when

Mr. HUME said: — I protest against the Noble Lord's taking the House by surprise in this way. I supposed that the Noble Lord only intended to give notice of his Bill.

LORD J. RUSSELL. — I beg to inform the Honourable Member, that it is not my intention to bring in the Bill now, but merely to obtain leave for it.

Mr. HUME. — Ay! but leave is everything.

Mr. WARBURTON. As many Gentlemen, who are not now present, might wish to speak on the motion for leave, I really think that the motion should not be made to-night.

LORD J. RUSSELL. — Very well, then. If my motion for leave is to be opposed, I shall not press it now, but I give notice for to-morrow (this) evening.

RETURNS.

High Court of Justiciary (Scotland); Law Commission (Scotland).— Returns presented respectively (14th and 18th of December).— Ordered to be printed.

Adjourned at a quarter before one o'clock.

HOUSE OF COMMONS, MERCURII, 17° DIE JANUARII, 1837.

PUBLIC BUSINESS.

RETURNS, &c.

The following Returns, &c. were severally presented, namely: —

Newspapers. — Return of the number of newspapers which have passed through the post offices in the United Kingdom, in three years, to the 31st of October, 1837 (ordered the 22d of November).

Slavery Compensation. — Return of awards by the Commissioners of Slavery Compensation, expenses of the commission, and total amount of claims made (ordered the 6th of December).

Ships entered Inwards. — Return of vessels with cargoes from foreign ports which reported at the Custom House at Liverpool, from the 5th of January to the 5th of July, 1837; also, at the London, St. Katherine's, and West India Docks (ordered the 7th of December).

Northern Lights. — Return of lighthouses in Scotland, and expense thereof; counties in Scotland where there are no lighthouses; lighthouse dues received, &c. (ordered the 22d of December).

River Weaver, &c. — Return of the receipts and expenditure of tonnage dues on the river Weaver and the Westow Canal, from 1795 to 1836-7 (ordered the 24th of November).

Ordered to lie on the Table.

PRIVATE BILLS COMMITTEE.

Mr. SHAW LEFEVRE. — I beg to call the attention of the House to a subject connected with the Committee on Petitions for Private Bills. The committee, at its last sitting, adjourned to the 5th of February, not knowing that the House would meet on the 16th of January. It would be very difficult, if not impossible, to assemble the committee before the period fixed, and, even if we could do so, it might be injurious to those parties who were concerned in opposing private Bills. Under these circumstances I wish to state, that no alteration will be made respecting the period of meeting, and that the committee will meet on the 5th of February, and will sit continuously after that day.

Mr. POULETT THOMSON. — I beg to give notice that, on Monday next, I shall move certain Resolutions with regard to obtaining more extended breviates of privates Bill, in conformity with the recommendations of the committee of last Session.

MISCELLANEOUS PETITIONS.

The following petitions were severally presented; namely: —

Lower Canada, — By Mr. LEADER, Mr. GILLON, Mr. WAKLEY, and Mr. HALL, praying the House to refuse their concurrence and support to the war now prosecuted in Lower Canada, — from Westminster; Marylebone; St. Margaret and St. John, Westminster; Finsbury; Lambeth; chairman of a meeting at Newcastle-upon-Tyne; and Whitburn.

On presenting the petition from Westminster, agreed to at a great public meeting at the Crown and Anchor Tavern, Mr. LEADER said: — Sir, this petition, after stating the many grievances by which the people of Lower Canada have been driven into insurrection, expresses a hope that this House will not support the Government in coercive measures; but that they will do all in their power to restore peace by conciliation. I had the honour of attending the meeting from which this petition emanates, and I will say, that I was never present at a more intelligent, respectable, and well-conducted public meeting. The large room at the Crown and Anchor Tavern was crowded to excess, and the meeting was unanimous. I am aware that it has been stated, that very little attention ought to be paid to public meetings, and I find several of the organs of the Whig party denouncing public meetings as not expressing public opinon. There was a time is no Honourable Member present who would be disposed to dispute the immense benefits which have been derived by the people in those forms of government, in which the Executive Government has been trammelled by this responsibility. Looking at the extent of colonies which the British Crown holds in North America, as well as at the rapid increase of population, which is daily accumulating in those countries, I feel convinced that the period must and will soon arrive when their desire for separation from the mother country will become so ardent, that it will be impossible, on the pretext of preserving the independence of the Executive, to continue the connection. Under such circumstances it is clearly the business of a prudent Legislature to take time by the forelock, and lead the colonists gradually onward from a state of dependence to one of independence,—naturally brought about—in an amicable manner, instead of being effected through the agency of war and useless bloodshed,—by the very measures proposed by the parent state itself. I trust that in legislating upon this subject, the House will be influenced by these motives; and that in conceding to the colonies a new constitution, they will embrace not only the Canadas, but Nova Scotia and New Brunswick, and thus establish the elements of that new confederation, producing a new balance of power, which I hope at no distant period to see established in the northern part of the continent of North America.

Mr. CAYLEY.—Notwithstanding the Honourable Member who has just sat down, at the outset of his speech, proposed to limit himself to the question immediately before the House, and to award neither praise nor blame to any of the parties concerned in Canadian transactions, I was quite sure he would deviate from the course he had laid down. In the present anxious state of the public mind,—and of the House, at this moment,—on the subject of the affairs of Canada, it is not only not surprising that we should not confine ourselves in the debate to the immediate question at issue, but it is right that we should be permitted to go into a more general line of argument, both with respect to the conduct of the colony itself, and to the policy which has been pursued by the parent country towards it. I am one of those who entertain an opinion different from that which has been expressed both by the extreme party, on this side of House, and by those who, in general, se her Majesty's Government, on the other side. Little weight can be attached to my individual opinion; but seeing the condemnation attempted to be cast upon her Majesty's Government, by some Honourable Members on this side, and the faint praise awarded to them from the other, I feel it to be my duty, as a Member totally unconnected with the Government, and as one who has gone into the subject anxiously, dispassionately, and with a determination to do justice to all parties, to offer them the humble tribute of my thanks and approbation for the course they have pursued.

Sir, the Honourable Gentleman (Mr. Ward) who addressed the House last but one, seemed to think that nothing had been done for the colony of Lower Canada by the Governments of this country; that her Majesty's present Ministers had, like their predecessors, before 1828, done nothing to redress the grievances of the colony in question. Nothing can be further from the fact. Previous to 1828, in Canada as well as at home, but especially in Ireland, it is notorious that jobbing, exclusiveness, and favouritism prevailed; the discontent on account of which had gained such a head in the Canadas, as to give rise to the committee of 1828,—a committee which entered into the merits of all the alleged grievances with the greatest assiduity and fairness, and whose Report gained for the members of the committee a high tribute of commendation even from the House of Assembly in Lower Canada.

My Noble Friend the Secretary of State for the Home Department entered, last night, into a most comprehensive, just, and generous history of what had been done for this colony. My Noble Friend referred to the King's proclamation of 1763, promising the newly-acquired colony equal rights with British subjects at home; to the further privileges of the Act of Parliament of 1774; and, lastly, to the Constitution of 1791. Concessions were granted to Canada at a time when they were refused at home; when they were refused to Ireland, although her complaints were loud, and the grievances under which she laboured pressed heavily upon her. The French Canadians, by the Constitution of 1791, were left in peaceable possession of their own religion and their own ecclesiastical revenues; all the advantages of the English criminal law were bestowed upon them, while their civil laws, out of pure respect to their prejudices, remained the same. How differently was Ireland treated, which was both stronger and nearer home! In consequence of the great complaints made by the colony previous to 1828, a committee was granted, and justly granted, to inquire into these complaints of the Canadians; but what concessions, at that time, had been made at home? Had the people of this country obtained the removal of the various grievances under which they laboured? Had we, at that time, when the committee was granted, obtained either the repeal of the Test and Corporation Acts, Catholic Emancipation, or the Reform Bill? The Canadians, then, at least, have had equal justice, if not much more. The Honourable Member for Bridport (Mr. Warburton) says, that every body agrees that the Canadians have now great grievances to complain of. No such thing. Every body knows that they had great grievances previous to 1828. What I contend for, and of which there is irrefragable evidence, is, that the committee of 1828 entered into the inquiry, and made its Report, with the full intention of doing justice to the colony, and that the various Governments of this country, since then, have endeavoured to carry into effect the recommendations of that committee. These recommendations have been carried into effect in Upper Canada; and have only failed of success in Lower Canada, because selfish popular leaders have conjured up an entirely new set of grievances, so as to obstruct the removal of the old ones. The House of Assembly in Lower Canada has itself to blame for any delay in the redress of real grievances.

The Honourable Member for Kilkenny said, last night, "Conciliate, — do not shed blood." No human being can be more averse to the shedding of blood than I am; but, on the very score of humanity, the measures now pursuing by her Majesty's Ministers must be carried out. If the colony were set free from the mother country, at this moment, in the present temper of the parties there, and with all the acerbity of feeling between the races, which has been wickedly fostered and encouraged, the inevitable consequence would be, on the showing of the parties themselves, wholesale confiscation and a war of extermination. The people in Upper Canada are altogether in favour of the continuance of British connection. The late elections incontestably prove this. It was the main question on which the elections turned. In Lower Canada, although nearly two thirds of the population is of French extraction, the shares held in canals, railroads, banks, and other public investments, are nine tenths in the hands of British settlers; whilst nineteen twentieths of the maritime commerce of the colony is also in the hands of the British. In fact, I believe there is only one instance of a commercial house being carried on by French Canadians; and even though that is nominally in the hands of French Canadians, I understand that a considerable proportion of the capital is British. Is all this property, which has been embarked on the faith and in full confidence of the protection of the British Crown, to be placed at the disposal of a party which claims a right to every thing in the colony that has been granted by the Government at home? The people of this country are too just to allow it.

And here I may be permitted to observe, how very different was the tone and temper, as well as the language employed by the Honourable Member for Kilkenny, last night, from that which was used by him upon a former occasion, when he addressed the House upon this subject. The secret of this change is, I believe, to be found in the fact, that the feeling of the country has lately been unequivocally declared upon the question at issue between the Canadas and the mother country; and that feeling has been found to be directly adverse to the opinions of the Honourable Member. The recent meetings which have been called together, by persons favourable to M. Papineau's party, have been a signal failure; and the present language and tone of those of them who have seats in this House is a proof of it. It would appear that those Honourable Gentlemen had exhausted the whole vocabulary of abuse on former occasions. What was their language as well in this House, three weeks ago, as at the Crown and Anchor Tavern the other day? Certainly it was not that which was uttered last night in this House. The tone of last night appeared to be deprecatory and almost one of apology. Hitherto a species of vapouring and vaunting, and an assertion (in which "the wish, perhaps, was father to the thought") that the whole of the Canadian population would resist the mother country, characterised their speeches. Now, the Honourable Member for Kilkenny has fallen back so far as to designate this outbreak as "the work of a few factious demagogues." The truth is, these Gentlemen have endeavoured to excite the people upon this subject, in which they have not merely failed, but found themselves in a miserable, insignificant, and (I use the term not offensively) a contemptible minority. A meeting held lately at Leeds gives pretty significant however, when the Whig party held very different opinions.

The SPEAKER. — Order! The Honourable Member is transgressing the rule which has been laid down; and will therefore please to bring up the petition.

Ballot, — From Lanchester, in favour of.

Hops, — By Mr. DARBY, for repeal of duty on, — from Warbleton, and Salehurst.

Ordered to lie on the Table.

Highway Rates Bill, — Of trustees of the turnpike road from Barnsdale to Leeds, in favour of. — Referred to the Select Committee on the Bill.

LOWER CANADA.

LORD JOHN RUSSELL appeared at the bar, and having been called upon by the Speaker, said: — Her Majesty having been waited upon by certain Members of this House, who are Privy Councillors, with the Address of this Honourable House, her Majesty was pleased to return the following most gracious answer: —

"I thank you for the assurance that my faithful Commons will support my efforts for the suppression of revolt, and the restoration of tranquillity, in Lower Canada.

"The unfortunate events which have taken place in that province have given me deep concern, and I shall look forward with anxiety to the period when the re-establishment of order may enable me to lay the foundations of lasting peace and concord.

"The spirit which has been manifested by the loyal inhabitants of my Northern American provinces, and the exertions which they have made in support of my authority, demand my warmest acknowledgments."

DUDLEY ELECTION PETITION.

Mr. AGLIONBY. — Since I mentioned the subject, last evening, of the Dudley Election Petition, I have attentively looked into the Acts of Parliament, and to all the circumstances bearing on the petition; and after having most anxiously done so, in order to see whether, in a case of such extreme hardship, Parliament could not grant relief,—I have come to the conclusion that the Act is so imperative against a second enlargement of the time, that, notwithstanding the great hardship on the party, and notwithstanding that such hardship arises out of an accident over which he had no control, nevertheless there can be no remedy unless by a special Act of Parliament, a remedy which I do not wish to seek. Therefore, with the permission of the House, I will give them no further trouble on this subject, but will withdraw my notice.

Notice withdrawn.

LOWER CANADA GOVERNMENT.

The Order of the Day having been read, —

Mr. BLAIR said: — Seeing the Honourable Baronet the Under Secretary for the Colonies in his place, I wish to know whether there is any chance of relief being afforded to her Majesty's faithful subjects who are Presbyterians, in Canada, in reference to the improvement of the condition of their spiritual pastors? I put the question, now, because it appears to me that this is precisely the auspicious moment for entertaining the subject.

SIR GEORGE GREY. — There has been a very large correspondence between the Colonial Office and a committee of the Presbyterian body in Scotland on this matter; and they are assured of the desire of her Majesty's Government to do all in their power, consistently with the interests of other bodies, to give satisfaction. I beg further to say, that there will be no objection whatever to produce this correspondence, which will, I trust, convince these parties that nothing will be wanting, on the part of her Majesty's Government, to meet their views.

POOR RELIEF (IRELAND) BILL.

Mr. LUCAS. — As the Noble Lord the Chief Secretary for Ireland is in his place, I wish to know whether it is his intention to bring on the second reading of the Irish Poor Law Bill on the day named by him, namely, the 6th of February?

LORD VISCOUNT MORPETH. — It is my intention to move the second reading on that day.

AFFAIRS OF CANADA.

LORD JOHN RUSSELL. — I rise, Sir, now, to ask for leave to bring in the Bill, of which I gave notice last night, to provide for the temporary Government of Canada. As I have already explained the general purport of the Bill, and of the policy to be pursued under it, I do not think it necessary to enter at any length upon the subject at present. I will, however, shortly state the immediate objects of this Bill, and the nature of the instructions which will be given to the Governor General, who has just been appointed. The object of the Bill is to enable the Governor General and Council — that council not to be limited in number, but of which five shall be a sufficient number to constitute a quorum — on the motion of the Governor General, to pass any laws which may be considered necessary during the suspension of the present Legislature of that province. It may be necessary to pass laws and to make provisions for temporary purposes, and for the maintenance of the civil authority in that province. It may be necessary also to pass temporary measures for other purposes. It is the intention of her Majesty's Government to confide these powers, in the first instance, to Sir J. Colborne, who is at present administering the government in the lower province of Canada; and in case it should be found necessary for him to resort to any extraordinary powers of legislation, in order to re-establish the authority of the Crown in that province, the power will be given to him by this Bill to do so. But immediately after the newly appointed Governor General arrives in the province, this power will become vested in him, and he will exercise it according to the provisions of the Bill which I now propose to introduce. With respect, therefore, to the measures which are necessary in order to re-establish tranquillity, besides those powers which confer the means of immediately putting an end to the present insurrection, there will also be given a power to the Governor General, if he should think fit, to grant a general amnesty in that province. With respect to the future government of the province, it is, as I said last night, the intention of Government that the Governor General shall be invested with a power to convene a certain number of persons, (namely, three from the Legislative Councils of the Upper and the Lower province respectively, making six in all, and ten representatives from each of the provinces, making twenty representatives, to form a council,) to concert with the Governor General in making laws, and to consult with him also as to the measures which may be deemed advisable for the adjustment of those matters which have created so much of disturbance in the provinces. This is a power which may be given by the prerogative of the Crown. With respect to the persons to be named from the Legislative Council, they will be chosen by the Governor General; and with respect to the persons who are to be convened having a representative character, those persons may, of course, be chosen from the Legislative Assembly; but, as in the case of Lower Canada, it is almost impossible that the Assembly can be brought to act beneficially in the matters towards the object we have in view, it will be competent to the Governor General, both in the Upper and Lower province, to hold elections for persons, amounting to twenty in the whole, to concert with him upon the general state of affairs. Sir, as I said before, the object of this arrangement is, that in any future plan for the government of these provinces, whatever may be done may be adopted, not wholly on the authority of the Imperial Parliament, or the Government of this country, nor wholly upon the anthority of the governor of the colony, but, on the authority of the Parliament and Government of this country, with the advice and sanction of the council which it is proposed to form in the colony itself, — a body who, being well aware of the peculiar circumstances of the provinces in which they reside, may be supposed to know best what are the remedies most likely to produce that which her Majesty has declared to be the desire that she has at heart — the lasting peace and welfare of the province. I beg now to move that leave be given to bring in a Bill to make temporary provision for the Government of Lower Canada.

Upon the question being put from the chair, —

Mr. H. G. WARD said: — Sir, I am anxious to make a few observations at this early period of the debate, because, though I attended the House last night at some personal inconvenience and suffering, I failed to obtain an opportunity of expressing my sentiments, and was obliged to go away without even recording my vote on this important subject. I am the more anxious to express my sentiments now, because I was one of the minority in the various divisions that took place upon the resolutions of last Session. I opposed those resolutions partly because I considered them arbitrary and unjust in their character, but more so because I thought they could lead to no practical result. It seemed to me that they either went too far, or not far enough; that they would tend to exasperate the feelings of the Canadians, without leading to any permanent settlement of the question at issue. I think the result shows that I was not wrong in that opinion. We have irritated the Canadians; we have not done what they expected us to do, and we are just as far from a settlement as ever; whilst the province is left without any government but that of a military authority and martial law. I acknowledge, however, that this country is not alone responsible for these results. I deplore as sincerely as can any Gentleman in this House, the rash and unjustifiable appeal which has been made by the liberal party to arms. The more I sympathise with them as to their political rights, the more I deplore the fatal error which they have committed, in sacrificing, as they undoubtedly have, the powerful aid of public opinion; which in this country, most certainly, sooner or later, is sure to awake in favour of the weaker against the stronger party, whenever the former has justice on its side. All these advantages the Canadians have now sacrificed by their own reckless act; and the present question for this House to consider is, whether we are prepared to give up the possession, not only of the Lower but of the Upper province of Canada, for the secession of the latter must in my opinion inevitably follow that of the former; or whether, on the other hand, we should accede at once to all the demands of M. Papineau and his party, or sift those demands calmly and dispassionately, granting such as are just; or whether we should insist that the existing insurrection should first be put an end to, entirely, before we give any redress to grievances which are really proved to exist?

I own that if the government proposition had contemplated nothing but coercion, and a suspension of the constitution, without any remedial measures, I should have opposed it as uncompromisingly as I now strongly and earnestly advocate the prudence of adopting, in all its parts, the plan submitted by the Government to the House. I believe that plan to be founded upon just and enlarged principles, combining justice to the Canadas with a due regard to the honour and rights of the Crown. I know that objections have been taken on the ground that it imposes upon us the necessity of suspending the constitution of 1791. Why, that constitution has been *de facto* suspended by the Canadian people themselves. On the most attentive perusal of Lord Gosford's despatches, it appears to me, that from the moment that the Canadians determined upon an appeal to the sword, the only object they had in view in availing themselves of that constitution was to throw off the power of this country. At all their county meetings the strongest declarations have been made of the necessity for declaring perfect independence. In conjunction with these declarations, a regular military organisation has been going on through the province; drills by foreign officers sanctioned; resolutions for throwing off the jurisdiction of British authorities passed; and a new judicial system organised throughout the country in their stead;—whilst all who disapproved of these proceedings on the part of M. Papineau's party, have been obliged, by threats of violence to themselves and their property, to acquiesce in them. Under these circumstances, I think it would be preposterous to allow men, on the one hand, to plead a constitution which, on the other hand, they repudiate and reject. The only question for the House now to consider is, what measures present themselves as best calculated for the permanent settlement of these disputes; and I must say that I can think of none which, in my opinion, are better calculated for that purpose than the measures which the Noble Lord has proposed to the House, and which will place a statesman of eminent and admitted ability at the head of affairs in Canada, armed with powers sufficient for the purpose,—but with this salutary principle for his guidance; that those powers shall not be used without a previous attempt to obtain the concurrence of those to whom the intended measures are to apply. I hold that the example which England sets on the present occasion, of appointing a convention with a view to an amicable adjustment of differences between a colony and the mother country, is one of the greatest moral triumphs ever achieved. On former occasions of this kind the only argument appealed to has been that of brute force and bloodshed; there has been no attempt to understand, no attempt to arrive at a just settlement of differences. I believe that the only instance of a similar course of policy being pursued to that which the present Government have adopted, on record,—and that was not in the case of a dispute between a mother country and a colony,—was in the case of the first constitution of the United States, which was soon found to give universal dissatisfaction; upon which, instead of dividing into separate communities, the States, in 1787, formed a convention for the consideration of their differences; and I believe that experience has shown that that proceeding has been productive of the best and most satisfactory results. But, as between a colony and a mother country, I believe the present is the first instance in which this principle has been tried; and I give that credit which is their due, to her Majesty's Government, for proposing such a scheme to Parliament.

I am not going to enter into any detail of the principles upon which the future constitution of Canada should be settled, but I cannot help pointing out to the House the great variety of interests that will have to be consulted, and the very great difficulty which will have to be overcome, in combating the prejudices of the French Canadians, who evidently wish to remain an independent and isolated people, distinct from their British fellow-subjects, amongst whom they live; and in inducing them to acquiesee in any plan by which an identity of interests and a community of rights shall be secured to them in common with the British settlers. I see an Honourable Friend of mine shake his head at this; but I firmly believe that the disputes and difficulties which exist have originated in great measure in the national prejudices and jealousies of the two branches of the community. I think the best course that can be pursued, in such a state of things, is to habituate the French Canadians, as gradually as possible, to British laws and British usages. I believe, also, that, if the result of the provisions of the present Bill should lead to an union of the Upper and Lower provinces into one, it would produce the greatest benefit that could be conferred upon the colony. As to leaving the two hostile parties to settle their differences by the sword, humanity and reason alike revolt against such a notion. The bloodshed which has already taken place would be as nothing to what would occur in the course of the rash, rancorous, and uncompromising warfare which would, in that case, devastate the country, if no mediating authority were interposed between the hostile parties. As to perpetuating the French Canadian people as an isolated race, consisting, as they now do, of 500,000 souls, I believe that must be regarded as perfectly impossible; whilst, on the other hand, I consider that the best service we could render the French Canadians would be to give them a participation in British rights and institutions. The influence of party feeling is at present the bane of all classes in the Canadas; and I call upon the House to consider what would be the inevitable result of permitting the Canadians to continue this contest? If the French party were to succeed, the whole of the property of the British party would be confiscated, including that of the Land Company, which has already been declared by the French party to have been constituted by an illegal authority. On the other hand, if the English party were to triumph, results would operate against the French inhabitants at which justice and feeling would equally revolt.

Whatever our differences with the Canadian House of Assembly may be, I am satisfied that if you resolve upon calmly and dispassionately considering the circumstances under which they originated; — if you will revert to sound and good principles of colonial administration, and give up the idea of maintaining British authority by force only; — if you content yourselves with an Imperial jurisdiction — with possessing a control over the relations of the colony with foreign states, and a power of generally regulating its commerce;—and if you will confide to its inhabitants the fullest privilege of local legislation, with a proper control of the colonial revenue and expenditure,—the tranquillity as well as permanent possession of Canada to this country will be secured. This was the old English system of colonising; it was pursued with the greatest success for a century and a half towards those colonies which now form the United States; and it produced more unison, more sympathy and good feeling, between the colony and the mother county, than any other system of colonial government whatever. Almost every colony which we now possess in North America, was in the first instance conquered by the New England states, to which we gave the fullest control in the administration of their affairs. We took from them no security of fidelity other than identity of interests; and that is the only security which is necessary, and the only one which I should wish to remain. Nova Scotia was conquered by an army from Massachusetts; and I believe the other colonies were, almost without exception, made British possessions through the instrumentality of our own colonists, without any expense to the British Crown.

moval of grievances, but who have not taken a part with M. Papineau and the more ardent Reformers.

Now, there is, undoubtedly, a large and liberal party which still retain their attachment to the British Crown, and who have taken no part in this insurrection. Sir, I do say, that in whatever measures the Government may think proper to take, the honour and feelings of this portion of the inhabitants ought, above all things, to be consulted. And if there be anything in the course about to be taken, of which I am especially doubtful, it is, whether the Government ought entirely to suspend the constitution of 1791, and thus cast a slur on that party whose cordial support they have received. I doubt much whether a *dignus vindice nodus* has arisen sufficient to call for the application of this *Deus in machinâ* to cut the difficulty; and I doubt much whether the course which the Government is about to take in suspending the constitution is such as will be satisfactory to that portion of the liberal party whose feelings and whose honour ought, as I have said before, to be above all things consulted. In the year 1828 there were petitions to this House for the redress of grievances, and, until a late period, they continued attached to those individuals who now, because their former peaceful proceedings failed of success, have taken a more violent course. And if you now suspend altogether the constitution of 1791, I put it to you whether you will not, in all probability, estrange from the British Government that moderate but liberal party, of which, I believe, great numbers exist in Canada at the present moment? But, Sir, I beg to remind the House, that in determining this question, we ought not to look at Canada precisely in the light of a mere colony. We must recollect that the title which this country gained over Lower Canada was acquired by the capitulation of 1763. You then granted to the inhabitants of Lower Canada all the privileges and immunities which any individuals or corporation were at that time entitled to in the colony. I do not include among them any of the privileges and immunities granted by Acts of the Legislature at a later period. I say this because the speech of the Noble Lord (J. Russell) dwelt much on various conditions and statements with respect to the independence of Lower Canada, growing out of race and religion.

I do not intend to assert that it is the intention of Government to invade the privileges guaranteed by the capitulation of 1763, and I only refer to the event for the purpose of enforcing on the Government the necessity of keeping faith with the French Canadians, and of taking care that none of their privileges and immunities be overturned by any constitution which may be granted to them. I think that some injustice has been done to the popular party by the stress which is laid on the supposed demand of the Canadians for the perpetuation of feudal rights. Why, if I can depend on anything relating to the popular party in Canada, I feel persuaded that the French Canadians are most anxious to commute their seigneurial rights, to the full as anxious as are the British party there, provided they can do so on such terms as would be advantageous to the whole colony. I feel it, therefore, to be due to them to state, that they have been among the foremost to make such a proposition. I believe they were even prepared to introduce a Bill into the House of Assembly for the commutation of these seigneurial rights, if any encouragement had been given to such a proposal by the Legislative Council which then existed. The course which I advise my Honourable Friends to take, in consequence of the declarations of the Government in favour of an amnesty, and in order that we may observe not only calmness and moderation, but the utmost appearance of a calm and deliberate spirit in receiving the proposition of her Majesty's Government, is—not to divide against the Bill, but to allow it to be introduced and read a first time, and then, after its provisions have been considered, have it read a second time on Monday next. I have risen on the present occasion, not for the purpose of stating all my views on this subject, but to correct some misrepresentations which I think have been made with respect to the sentiments which I expressed when the first of these discussions on the affairs of Canada took place. The advice which I then gave, and which I should be now prepared to give to her Majesty's Government, on the subject of colonial affairs in North America, supposing that the revolt was so extensive as to preclude all hopes of putting it down without a disastrous and exterminating war (which I am happy to say is not the case), amounts to this, that they ought to emancipate the colony. I will not now go fully into the discussion of the reasons which induced me to give that advice, because I particularly adverted to them on the last discussion, and because I am prepared to resume them fully on Monday. But admitting, — which I am happy to think is most probably the case — that this revolt is not wide-spread, and that her Majesty's

Government, with the aid of the troops and the well-disposed in the colonies, will succeed in putting an end to every vestige of this insurrection, and thus give a breathing time to consider what measures it may be most expedient to take under the circumstances,—the advice which I am still ready to give, is, to emancipate the colony. In saying this, I do not mean to justify the grounds imputed by the Right Honourable Member for Tamworth to the advocates of such an opinion. It is not because I find insurrection there, as it might break out in the Isle of Wight, or in any part of Ireland, that I am, for that reason, ready to say, "Liberate yourselves, and separate from the mother country." No; it is because I believe it to be expedient and useful both to the mother country and the colony,—not on a short-sighted money view of the question, but on the broadest, most national, and imperial consideration of it, — that I, for one, am ready to sanction the adoption of that course. One of the evils resulting from the course which has been pursued is, that such a feeling of disaffection has arisen towards the mother country as must drive the Canadians into revolt, and induce them to become a part and province of the United States; or, if they do not join the United States, such a feeling of interest will be excited in favour of the colonists, that a party in the United States will perhaps be prepared to support them in insurrection. Such a feeling of disaffection would unite the Canadians much more strongly to the United States than any course taken by the colonists of themselves could effect. Now I must say, that from the observations which have been made from both sides of the House, it seems to me to be admitted, that when a colony arrives at its strength and manhood, the inevitable consequence of our colonial system must be emancipation. The Noble Lord (Lord John Russell) seems to doubt as to whether that time has arrived in the present instance. If the Noble Lord were to look to the history of the United States — if he were to contemplate the feelings of affection which prevailed previous to the year 1763 — if he were to consider the support which the mother country obtained from that people in the war against the French Canadians, and observe how short a time elapsed between the manifestation of such good feeling and the commencement of the troubles which terminated with the war of 1774, he would be convinced how very necessary it is not to be driven to consider the emancipation of a colony when the demands are so urgent that they can be no longer resisted, but that as a wise statesman, he ought to watch the progress of the colonies towards independence, and, foreseeing that the period of emancipation cannot be far remote, take such measures as must render it likely, that when that event does occur, it will be attended with the smallest quantity of evil, and the greatest of good to the mother country. However disposed I may be to admire the form of government and the wisdom of the United States, yet I must say, that if there be anything of which every state in the world ought to be apprehensive, it is this — that a country, whether its form of government be monarchy, aristocracy, or democracy, should grow so powerful as to afford a just cause of apprehension on account of its strength and greatness to the rest of the world. I think, therefore, that what ought to constitute the consideration of every statesman is that — seeing their emancipation is as natural an event to the history of a colony, as manhood to that of an individual — the aim of our Government should be directed to making the separation in such a manner that all these colonies, comprising New Brunswick and Nova Scotia, may not fall separately into the possession of their great neighbour; but be constituted as northern and free states, to act as a counterpoise to what might be considered the tendency of the United States to become an overgrown power, were it to comprise the whole of our colonies of North America. I hope, then, that measures will be taken by the Government which will lead to a friendly and amicable separation at no very distant period, and thus unite all these colonies into an independent confederation, collected together for the purpose of balancing the enormous power of the North American states.

I would also wish to call the attention of the House to this fact, that both in Upper and in Lower Canada the colonists require that the Executive Government should be made responsible to the local House of Assembly. Now, what was the cause of disagreement in Upper Canada between Sir F. Head and the three gentlemen of the popular party, who, it was proposed, should be called into his council? They wished to be considered as responsible ministers, or else to have it understood by the Legislature that the Governor was responsible, and that they were not, for all the measures which were put in force in the colony. I have always found that the greatest security for good government exists in the responsibility of the executive to the popular portion of the Legislature; and I believe that there is no Honourable Member present who would be disposed to dispute the immense benefits which have been derived by the people in those forms of government, in which the Executive Government has been trammelled by this responsibility. Looking at the extent of colonies which the British Crown holds in North America, as well as at the rapid increase of population, which is daily accumulating in those countries, I feel convinced that the period must and will soon arrive when their desire for separation from the mother country will become so ardent, that it will be impossible, on the pretext of preserving the independence of the Executive, to continue the connection. Under such circumstances it is clearly the business of a prudent Legislature to take time by the forelock, and lead the colonists gradually onward from a state of dependence to one of independence,—naturally brought about —in an amicable manner, instead of being effected through the agency of war and useless bloodshed,—by the very measures proposed by the parent state itself. I trust that in legislating upon this subject, the House will be influenced by these motives; and that in conceding to the colonies a new constitution, they will embrace not only the Canadas, but Nova Scotia and New Brunswick, and thus establish the elements of that new confederation, producing a new balance of power, which I hope at no distant period to see established in the northern part of the continent of North America.

Mr. CAYLEY.—Notwithstanding the Honourable Member who has just sat down, at the outset of his speech, proposed to limit himself to the question immediately before the House, and to award neither praise nor blame to any of the parties concerned in Canadian transactions, I was quite sure he would deviate from the course he had laid down. In the present anxious state of the public mind,—and of the House, at this moment,—on the subject of the affairs of Canada, it is not only not surprising that we should not confine ourselves in the debate to the immediate question at issue, but it is right that we should be permitted to go into a more general line of argument, both with respect to the conduct of the colony itself, and to the policy which has been pursued by the parent country towards it. I am one of those who entertain an opinion different from that which has been expressed both by the extreme party, on this side of the House, and by those who, in general, oppose her Majesty's Government, on the other side. Little weight can be attached to my individual opinion; but seeing the condemnation attempted to be cast upon her Majesty's Government, by some Honourable Members on this side, and the faint praise awarded to them from the other, I feel it to be my duty, as a Member totally unconnected with the Government, and as one who has gone into the subject anxiously, dispassionately, and with a determination to do justice to all parties, to offer them the humble tribute of my thanks and approbation for the course they have pursued.

Sir, the Honourable Gentleman (Mr. Ward) who addressed the House last but one, seemed to think that nothing had been done for the colony of Lower Canada by the Governments of this country; that her Majesty's present Ministers had, like their predecessors, before 1828, done nothing to redress the grievances of the colony in question. Nothing can be further from the fact. Previous to 1828, in Canada as well as at home, but especially in Ireland, it is notorious that jobbing, exclusiveness, and favouritism prevailed; the discontent on account of which had gained such a head in the Canadas, as to give rise to the committee of 1828,—a committee which entered into the merits of all the alleged grievances with the greatest assiduity and fairness, and whose Report gained for the members of the committee a high tribute of commendation even from the House of Assembly in Lower Canada.

My Noble Friend the Secretary of State for the Home Department entered, last night, into a most comprehensive, just, and generous history of what had been done for this colony. My Noble Friend referred to the King's proclamation of 1763, promising the newly-acquired colony equal rights with British subjects at home; to the further privileges of the Act of Parliament of 1774; and, lastly, to the Constitution of 1791. Concessions were granted to Canada at a time when they were refused at home; when they were refused to Ireland, although her complaints were loud, and the grievances under which she laboured pressed heavily upon her. The French Canadians, by the Constitution of 1791, were left in peaceable possession of their own religion and their own ecclesiastical revenues; all the advantages of the English criminal law were bestowed upon them, while their civil laws, out of pure respect to their prejudices, remained the same. How differently was Ireland treated, which was both stronger and nearer home! In consequence of the great complaints made by the colony previous to 1828, a committee was granted, and justly granted, to inquire into these complaints of the Canadians; but what concessions, at that time, had been made at home? Had the people of this country obtained the removal of the various grievances under which they laboured? Had we, at that time, when the committee was granted, obtained either the repeal of the Test and Corporation Acts, Catholic Emancipation, or the Reform Bill? The Canadians, then, at least, have had equal justice, if not much more. The Honourable Member for Bridport (Mr. Warburton) says, that every body agrees that the Canadians have now great grievances to complain of. No such thing. Every body knows that they had great grievances previous to 1828. What I contend for, and of which there is irrefragable evidence, is, that the committee of 1828 entered into the inquiry, and made its Report, with the full intention of doing justice to the colony, and that the various Governments of this country, since then, have endeavoured to carry into effect the recommendations of that committee. These recommendations have been carried into effect in Upper Canada; and have only failed of success in Lower Canada, because selfish popular leaders have conjured up an entirely new set of grievances, so as to obstruct the removal of the old ones. The House of Assembly in Lower Canada has itself to blame for any delay in the redress of real grievances.

The Honourable Member for Kilkenny said, last night, "Conciliate, — do not shed blood." No human being can be more averse to the shedding of blood than I am; but, on the very score of humanity, the measures now pursuing by her Majesty's Ministers must be carried out. If the colony were set free from the mother country, at this moment, in the present temper of the parties there, and with all the acerbity of feeling between the races, which has been wickedly fostered and encouraged, the inevitable consequence would be, on the showing of the parties themselves, wholesale confiscation and a war of extermination. The people in Upper Canada are altogether in favour of the continuance of British connection. The late elections incontestably prove this. It was the main question on which the elections turned. In Lower Canada, although nearly two thirds of the population is of French extraction, the shares held in canals, railroads, banks, and other public investments, are nine tenths in the hands of British settlers; whilst nineteen twentieths of the maritime commerce of the colony is also in the hands of the British. In fact, I believe there is only one instance of a commercial house being carried on by French Canadians; and even though that is nominally in the hands of French Canadians, I understand that a considerable proportion of the capital is British. Is all this property, which has been embarked on the faith and in full confidence of the protection of the British Crown, to be placed at the disposal of a party which claims a right to every thing in the colony that has been granted by the Government at home? The people of this country are too just to allow it.

And here I may be permitted to observe, how very different was the tone and temper, as well as the language employed by the Honourable Member for Kilkenny, last night, from that which was used by him upon a former occasion, when he addressed the House upon this subject. The secret of this change is, I believe, to be found in the fact, that the feeling of the country has lately been unequivocally declared upon the question at issue between the Canadas and the mother country; and that feeling has been found to be directly adverse to the opinions of the Honourable Member. The recent meetings which have been called together, by persons favourable to M. Papineau's party, have been a signal failure; and the present language and tone of those of them who have seats in this House is a proof of it. It would appear that those Honourable Gentlemen had exhausted the whole vocabulary of abuse on former occasions. What was their language as well in this House, three weeks ago, as at the Crown and Anchor Tavern the other day? Certainly it was not that which was uttered last night in this House. The tone of last night appeared to be deprecatory and almost one of apology. Hitherto a species of vapouring and vaunting, and an assertion (in which "the wish, perhaps, was father to the thought") that the whole of the Canadian population would resist the mother country, characterised their speeches. Now, the Honourable Member for Kilkenny has fallen back so far as to designate this outbreak as "the work of a few factious demagogues." The truth is, these Gentlemen have endeavoured to excite the people upon this subject, in which they have not merely failed, but found themselves in a miserable, insignificant, and (I use the term not offensively) a contemptible minority. A meeting held lately at Leeds gives pretty significant symptoms on this subject. One of the Honourable Members for Leeds (I do not mean the Honourable Member connected with the leading journal of that place, in which appeared, lately, a very able and temperate essay on Canada; from the conclusion of which, however, I totally differ), I mean the Honourable Baronet (Sir W. Molesworth),—had put forth a manifesto to his constituents, as a sort of feeler to ascertain their sentiments on the part he took at the commencement of the Session, in support of the Honourable Member for Finsbury (Mr. Wakley's) triple amendment to the address. No reply, I believe, was given to this manifesto, until, a week or two ago, a meeting was summoned at Leeds, intended, as I understand, as an answer to the manifesto, to which the Honourable Baronet was invited, as well as the Honourable Member for Westminster (Mr. Leader); both of whom had been very active in Canadian affairs. Neither of the Honourable Members, it is true, had found time to attend; but what was the response the Honourable Baronet's constituents gave to the summons? I am given to understand that not one of them attended. Does this show much sympathy, on the part of his populous constituency, in the conduct of the Honourable Baronet on questions which have lately been before Parliament, and of which that on Canada has been so conspicuous? And what was the language held in the speeches of those who addressed the meeting? One of the speakers was understood to have said, "That it was absurd, in these days, to appeal to any other mode of effecting a redress of grievances than physical force. If you cannot afford fire-arms," he continued, "carry swords, or spears, or daggers; and, if these are wanting, the torch is a ready means, when applied to the houses of your masters, to carry terror into the ranks of all who oppose you." In a civilised country (thank God!) there can be but one opinion on language like this: and this is what the Honourable Member for Kilkenny calls the people of England being with him!

And now, Sir, a few words on the conduct of her Majesty's present Government in the transactions which have lately occurred in Canada. I have read all the despatches which have lately been laid before us, with no other disposition than to find the truth, and no other wish than to be able to take my humble share in dispensing justice to all the parties engaged in these transactions; and I do not hesitate to avow my conviction that the impartial inference to be drawn from the correspondence between Lord Glenelg and Lord Gosford is, that, keeping in view his conciliatory mission, there was every inclination and determination on the part of Lord Gosford to protect life and property in Lower Canada, as well as every necessary preparation to secure that protection. The Noble Lord the Member for Cornwall (Lord Eliot) says, the Government have jeopardised the colony. And the Right Honourable Baronet the Member for Tamworth (Sir R. Peel) insinuated, that there had been neglect on the part of Lord Glenelg in sending out military force to Canada. But what is the fact, as we gather from the despatches which I hold in my hand? That Lord Glenelg, in the beginning of the year, so early as March, took steps to increase the military force in Lower Canada. He writes to Sir Colin Campbell to send as many of the troops under his command to Nova Scotia, New Brunswick, or Prince Edward's Island, as Lord Gosford might require of him. Of course Lord Glenelg did not wish Lord Gosford, whose office was to pacify and conciliate, to make any conspicuous demonstration of military force. The Right Honourable Baronet (Sir R. Peel), however, says, that "Lord Gosford had no objection to demonstrate." What, then, was the meaning of Lord Gosford's refusal to the application of a large body of men in Quebec to enrol themselves as a volunteer corps, and this even so late as October? The conduct of Lord Gosford, taking the whole of the proceedings of the last year into consideration, shows that his intentions were to attain his ends by moral influence rather than by any demonstration of physical force; and the whole tenour of the despatches shows that this policy in relation to Canada was also approved by Lord Glenelg, as well as Sir John Colborne, Sir Francis Head, and Sir John Harvey. What was the language held by Sir Francis Head in answer to an application from Sir J. Colborne for a supply of troops from Upper Canada, October 31.? He sends him the whole of his troops from the seat of Government, not excepting his own sentry, and his letter proceeds to say,—

> This province is, as far as my experience goes, more loyal and more tranquil than any part of England; however, this does not matter to Mr. M'Kenzie, provided he can get up a few sets of violent resolutions, which you know, very well, are easily effected.
>
> Now, what I desire to do is, completely to upset Mr. Papineau, so far as Upper Canada is concerned, by proving to the people in England that this province requires no troops at all, and consequently that it is *perfectly tranquil.*
>
> I consider that this evidence will be of im-

mense importance, as it at once shows the conduct of Lower Canada to be factious; whereas, could it, under colour of a few radical meetings here, be asserted that the *two* provinces were on the brink of revolution, it would, as you know, be argued as an excuse for granting the demands of Mr. Papineau. I consider it of immense importance, practically, to show to the Canadas that loyalty produces tranquillity, and that disloyalty not only brings troops into the province, but also involves it in civil war.

To attain the object I have long had in view, I deemed it advisable not to retain, either for myself or for the stores, the few men we have been accustomed to require; for I felt I could not completely throw myself, as I wished to do, on the inhabitants of the province, so long as there remained troops in the garrison.

Sir John Colborne, in reply, says, "Your determination of liberating the 24th regiment will produce the best effect. Sir Colin Campbell will act on a similar principle." Sir J. Harvey writes to Lord Glenelg from New Brunswick, stating the ardent loyalty of that province, and that he could spare all the regulars and a large force of militia for the protection of Lower Canada. With the knowledge of these facts of the loyalty of the Upper and Lower provinces, and that not only the regular military could be spared from them, but also a large force of militia and volunteers, how can Lord Gosford be charged with inattention to the safety of Lower Canada, when he had been making preparations almost the whole year, in conjunction with the Commander-in-chief, Sir J. Colborne, so to distribute the forces as to enable them to act efficiently whenever the urgency of the circumstances might demand it?

Sir, the policy of her Majesty's advisers was not that of an early and gratuitous appeal to military power; it was one of a totally opposite nature, namely, to redress real grievances, and to act in good faith, in strict accordance with the Report of the Committee of 1828. To concede all the reasonable demands of the Canadians, to act in a spirit of justice and conciliation, have been the means employed to produce content. Some Honourable Gentlemen, I know, are disposed to quarrel with this persevering effort to conciliate on the part of her Majesty's Government. But, Sir, even if a conciliatory system were not sanctioned by dictates of the soundest morality and justice, in this instance, at least, according to the evidence before us, it would have been recommended by the coldest maxims of a Machiavellian policy. The enemies of the Queen's Government have put themselves in the wrong; whilst the Government, by never deviating from the path of justice and conciliation until rebellion forced them into arms, have become morally strengthened for any unfortunate contest that may ensue. And here it is that I differ both with Honourable Gentlemen opposite and with the friends of Mr. Papineau's party in this House. From all the documents on the subject, to which I have had access, it appears to my mind that Lord Gosford has exactly pursued that course, both with respect to a perseverance in conciliatory measures and an efficient redress of grievances, as well as in the distribution of the military force, which he ought to have pursued, had he foreseen from the commencement what has actually occurred.

With reference to the magistrates and the militia officers who were removed from the commission, it was impossible that Lord Gosford could act in any other way than he did — it was impossible that they could be longer permitted to remain in the Queen's service, attending and taking part, as they did, at meetings where sedition and treason were openly avowed, and disobeying, as they did, the Governor's orders to publish his proclamation. These officers subsequently attended at the meetings which followed their dismissal by the Governor, and were there re-elected by the people, in defiance of the civil authority. It was after the dismissal of these officers, and after these meetings had taken place, that the outrages occurred. Certain parties had become amenable to the law: when the Queen's authorities attempted to seize some of the leaders and instigators of certain treasonable proceedings, and had succeeded in that object, they were, on their return, met by a large armed band, by whom they were attacked, and their prisoners forcibly rescued; and it was only when the civil power was thus set at nought that the military were called out. It was said, last evening, that the Government had acted improperly, knowing the discontented state of Lower Canada, in not having there a sufficient force to suppress the insurrection on its first appearance. I, however, am not prepared to admit that the military force in Canada was insufficient. The only proof that has been offered in favour of that opinion is, that in one attempt that was made by the Queen's troops, under Colonel Gore, upon St. Denis, bad weather, wretched roads, and a circuitous route, to avoid some village in possession of the rebels, — these and other circumstances combined to render a retreat an act of expediency as well as of humanity. But is this isolated fact sufficient to prove that the forces were insufficient in Lower

Canada? Was our force sufficient at first to quell the Bristol riots? In the manufacturing districts, in the neighbourhood of which I live, it is no uncommon circumstance for the military in any given locality to find itself, at first, unequal to the suppression of a popular outbreak, and after some reconnoitring, they prudently await the arrival of a reinforcement. No later than the other day, at the fire at the Royal Exchange, great danger was contemplated by the pressure of the assembled populace on the building. The guard at the Bank came to assist; it was found insufficient; a reinforcement was sent for from the Tower. This addition proved unequal to keep back the multitude; and it was only after the arrival of a second reinforcement that anything like order could be maintained. But would any one infer from thence that there were not troops sufficient in London, or in England, for the purposes of security and protection? The result of every affair in which the Queen's troops have been engaged, since the affair of St. Denis, has fully proved that sufficient troops were in the colony to meet the emergency. In none of the despatches from Lord Gosford is any complaint made of the insufficiency of the military force in those colonies; on the contrary, Sir John Colborne, at an early period, expresses the strongest confidence that with the troops then under his command, or at his disposal, he should be enabled to put down any insurrectionary movement that might occur in consequence of the violence of the popular leaders and the seditious meetings which were held. And Sir John Colborne's distribution of his troops appears to me to merit the highest commendation. Now, taking the whole circumstances of Lower Canada into the account, — considering the complicated crisis which had arrived, the impossibility of any satisfactory arrangement on rational grounds, in consequence of the impracticability of the parties, — if one may dare so to say, this outbreak might seem almost providential; because, by starting, as it were, afresh, with more practicable materials, and with late experience before the eyes of the Canadians, we may hope to establish a really satisfactory state of things on the new foundation. The utmost attempt to conciliate and to do justice had been shown, and had been repudiated by the popular leaders: not by the colonists themselves, as a body; for I look upon the late proceedings in the colony to have been the work of ambitious leaders, who at last stimulated their deluded victims to raise the standard of revolt.

Is it not true, Sir, that those men who called themselves the popular leaders in Lower Canada did not seem to know where to stop in their demands? All that they had asked and obtained, instead of satisfying them, but produced new demands, until it was obvious that the object sought to be obtained was not so much the redress of grievances as the fulfilment of their own ambitious designs, — their own personal aggrandisement, — which were connected with a separation from the mother country. Even the grievance which is now the most loudly complained of, when examined, in equity, amounts to nothing, and is one of their own making. The Crown gave up its revenues, in 1831, to the House of Assembly, on the full understanding that the latter were to grant a Civil List for the payment of the judges and the other necessary officers of Government. The moment they got the revenues they refused to pay the judges, and have refused for three or four years. It was impossible this could go on. The supplies were stopped for no grievance which could be remedied by the Constitution, but in order to effect a change in the Constitution itself. The crown revenues would have been quite sufficient for this Civil List; and therefore no money was really taken out of the pockets of the colonists for these just, and absolutely necessary, payments. We had only done justice, while the House of Assembly had virtually broken faith with the Crown. What a different case is this from that of the United Colonies, to which allusion has so frequently been made, and which called for those memorable words of Lord Chatham, — "I rejoice that America has resisted." That was for taxation levied by the mother country for its own benefit; this, a revenue appropriated by the mother country towards a just and necessary colonial payment,—a revenue which did not come out of the pockets of the people.

I repeat, Sir, since the appointment of the committee of 1828, there has been a steady disposition, on the part of every Government, to improve the condition of the people of Lower Canada; and the people of that colony expressed their approbation of, and confidence in, the labours of that committee. My Noble Friend, last night, quoted the terms in which they spoke of that committee. They described the Report as one of high liberality and profound wisdom. The House of Assembly, on two repeated occasions, — in 1828 and 1831, — in addresses to the Crown, prayed that "the Constitution, as established by law, might be transmitted, unimpaired, to posterity;" and, as I before stated, it has been the continuous effort of each successive Government, since 1828, to carry out the recommendations contained in that Report. Such having been the feeling of Canada at that time, what has taken place since then to justify the measures of the popular leaders? I cannot believe that the redress of grievances is the real object that a party has in view, when the greater the disposition to conciliate that is evinced on the part of the Government, and the more the redress of grievances is effected, the louder become the complaints of the leaders of that party. Sir, in my opinion, the real grievance of the popular agitators in Lower Canada is, a jealousy of the rapid immigration which has, of late years, taken place into the Canadas from Great Britain. By means of this great augmentation of British settlers, a speedy extinction, they think, is threatened to that selfish influence which they now exercise over the happy and thriving, though easily deluded, *habitans* of Lower Canada. And their own words even justify this interpretation. Not long ago, the *Minerve* newspaper (the leading journal of the Papineau party in Montreal, and, I believe, at one time edited by M. Viger, the agent of the House of Assembly in this country in 1833), contains the following passages:—

> It may be seen, according to this, that there exist here two parties, of opposite interests and manners,—the Canadians and the English. These first, born Frenchmen, have the habits and characters of such. They have inherited from their fathers a hatred to the English.

Again:—

> We repeat it, an immediate separation from England is the only means of preserving our nationality. Some time hence, when emigration shall have made our adversaries our equals in number, more daring and less generous, they will deprive us of our liberties. Believe me, this is the fate reserved for us, if we do not hasten to make ourselves independent.

The following extract from a speech of M. Rodier, a Member of the House of Assembly, also confirms this view:—

> If I present to you so melancholy a picture of the condition of this country, I have to encourage the hope, that we may yet preserve our nationality, and avoid those future calamities, by opposing a barrier to this torrent of immigration.

Mr. Papineau's views are made pretty evident by the following short extract from a very long address of his to the electors of West Ward of Montreal, published after his last election to the Assembly:—

> Your enemies are not numerous enough to injure you: you are sufficiently numerous to injure them. Break all connection in business and interest with those who separate their affections and interests from yours. . . . . Let those who are so presumptuous as to prefer their own opinions, learn, that, whatsoever be their titles to favours from the Administration, they have no claims to the confidence of the people.

Presumptuous enough to prefer their own thoughts! And these are republicans, too! A pretty consummation for freedom and free principles to have arrived at, when republicanism on one side of the western world proclaims there shall be a continuation of the unrighteous system of negro slavery,—in other words, no liberty of person; and, on the other side, not even liberty of thought and will! If this be the *ultimatum* of liberal principles, I can only say, God protect us, at home, in the full possession of that really practical liberty afforded us by our happy Constitution! These extracts show the spirit which animates these popular leaders. What is the fact, even with that which was the great and most crying evil in Canada up to 1828, namely, the almost exclusive appointment of British and placemen to the Legislative Council? Why, that (according to Lord Gosford's despatches) the Council now consists, practically, of thirteen of British, and eighteen of French extraction. But I do not believe that the people of Canada, as a body, are favourable to the views of the Papineau party, notwithstanding what has been said to the contrary at a recent meeting at the Crown and Anchor Tavern. I am persuaded, that the people of Canada, taking them as a whole, so far from wishing a separation, are warmly attached to the Government of this country. The real grievance, I believe, of the leaders of the party I have described, is, the rapid increase, within the last few years, of British emigrants, and the growing strength of the British settlers. This is the true cause of complaint, I suspect, on the part of the popular leaders; and it is obvious why it should be so, for it threatens, at no distant day, a severe blow at their personal ambition. But this is a cause of complaint in which I feel confident the body of the people, even of French extraction, will not join, at the risk of losing the blessings they now enjoy. The Honourable Baronet the Member for Leeds acknowledged, the other day, at the Crown and Anchor Tavern, what those blessings were. He said, he admitted that the mass of the population of the French Canadians were "well fed, well clothed, well housed, and little taxed;" but, he added, the people will not be satisfied with these alone. I differ entirely with the Honourable Baronet, and tell him he will find no people on earth possessed of blessings, like these who will run the chance of losing them for any other blessings he can promise them. A high and impartial authority from the United States, and one not mixed up with political parties, Professor Silliman, one of the highest statistical and scientific authorities in the United States, thus speaks of the condition of the people in Lower Canada, after a personal examination: —

> It is questionable whether any conquered country was ever better treated by its conquerors than Canada; the people were left in complete possession of their religion, and revenues to support it — of their property, laws, customs, and manners; and even the defence of their country is without expense to them. . . . . It would seem as if the trouble and expense of government was taken off their hands, and as if they were left to enjoy their own domestic comforts without a drawback. Such is, certainly, the appearance of the population; and it is doubtful whether our own favoured communities are, politically, more happy.
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> Lower Canada is a fine country, and will hereafter become populous and powerful, especially as the British and Anglo-American population shall flow in more extensively, and impart more vigour and activity to the community.

After such testimony as this, I cannot bring myself to the belief, that the Canadians are really suffering under the rule of Great Britain, or that we are guilty of the gross acts of injustice and illiberality which are laid at our door; and, in consequence, I have little confidence in the patriotism of those who, under such circumstances, would excite a happy people to acts of rebellion; exciting them, too, through their worst prejudices, and a hatred of the British race.

It has been argued that the most prudent step, on the part of the Government, would be at once to adopt measures for dissolving the connection which exists between the mother country and the colony. If the time had really arrived for effecting the separation, then I fully concur with the Honourable Member for Bridport (Mr. Warburton), that the object of the Government ought to be to effect it in such a way as would secure for this country all the advantages to be derived from a friendly intercourse with the new state. But when I consider that even in Lower Canada the British settlers are at least one third of the entire population, comprising almost an entirety of the enterprise and commercial wealth of the colony; when I consider that the population of Upper Canada is almost exclusively of British origin; and when it is ascertained from statistical documents, emanating from the colony, that the population in the two Canadas are in the following proportions, —

Lower Canada.		
French origin	-	390,000
British origin	-	210,000
		600,000
Upper Canada.		375,000

of which, probably, at least 350,000 are of British extraction; thus constituting a majority of 150,000 of British over French settlers, taking Canada as a whole; and when I consider that this majority of 150,000 British settlers in the two Canadas (for in reference to a separation they cannot be taken apart), in addition to a great mass of the French Canadians, are favourable to a continuance, most anxious for the continuance, of the connection with Great Britain, — I am bound to affirm that the time for separation has not yet arrived. If, in 1763, when Lower Canada first became a British colony,—its people had then said, "You have conquered us from France, but we wish not to be governed by you; we wish to be independent;" what, in strict justice and right, ought to have been the answer of Great Britain? "We do not wish to govern you against your wishes; but you occupy a position which, if seized by a force hostile to Great Britain, may afford great facilities for the annoyance of the United Colonies to the south of the St. Lawrence. If you could prove to us that you were strong enough to protect yourselves from foreign aggressors, and could really form a strong and permanent independent Government,—then, if in a body you demanded emancipation, we would grant it you." But the French Canadians never dreamt of making such an application, nor were they in a condition to have had it granted, being only 60,000 at the time of our acquiring the colony, in 1763. Since that period other elements of consideration have grown up. It is no longer a French but a British colony: British, by extent of population; British, by extent of enterprise and wealth. And to yield to a factious demand for separation, without reference to the interests of the British settlers, would be the height of baseness, injustice, and bad faith, on the part of the mother country.

Sir, I entertain a strong opinion as to the general policy to be pursued in regard to these North American colonies. A balance of power (and here I entirely also agree with the Member who last spoke) is wanted on that great continent, to the great and growing power of the United States. Here is the opportunity of forming that balance. Let the colonies be united by some sort of periodical intercourse of representatives from each, to meet at Quebec on matters of trade and commerce, or any subject of common interest to them all, under the auspices of one Governor General; then would they be trained and educated to a feeling of dependence on each other, and to the ultimate desire of confederation when the just period of separation had arrived. Upper and Lower Canada, New Brunswick, Nova Scotia, the smaller islands, and Newfoundland, would then form an important and extensive territory, with a population in energy and numbers sufficient to sustain that balance of power in the western world which is so much to be desired. And I trust that the Bill now proposed by my Noble Friend, and the mission of Lord Durham, while they secure the truest freedom and the amplest justice in all respects, and to all parties in Canada, — for in the dispensation of liberty I can draw no distinction between Canada and Britain, — will tend to foster and keep alive that ultimate view to which I have now referred.

Mr. GILLON. — I am anxious to say a few words on the subject before the House. I do not often trouble the House, nor will I detain them on this occasion, long; but, in the few remarks I have to make, I shall endeavour to follow the recommendation of the Honourable Member for Bridport,—to deliberate the matter without the slightest mixture of asperity or passion; and shall not be led, even by the injudicious observations of the Honourable Member for Yorkshire, to depart from that course. The reason that the Honourable Member has assigned why the Canadians should have remained satisfied and contented, is, in my opinion, the most extraordinary I ever heard put forward among rational beings. That Honourable Member says that the Canadians ought to rest contented under their grievances, because we have also grievances to complain of at home. This is a line of argument that I cannot admit. I do not agree that a bad government at home is any reason why injustice should be tolerated in our colonies. Neither can I join in the Honourable Member's eulogium on our colonial department. If I am not much mistaken, the system of the colonial department is one that abounds with jobbing and favouritism. The Honourable Member for Yorkshire has stated, that the Canadian grievances have all been redressed: this certainly is news to me, and I believe to most Honourable Members of this House. I am aware that their grievances were inquired into in 1828, and the result of that inquiry was a full acknowledgment of their existence; but the redress which ought to have followed has not yet been granted. The Canadians have gone on petitioning the House in the most patient manner; and if their demands have increased with the protracted denial of justice, it is only the legitimate consequence of the conduct of Government and of this House. No one can regret more than I do the unfortunate events which have now taken place. I regret as deeply the line of conduct which has been adopted by some individuals in the colony. I do not think that neglect of justice, or the oppressive acts of the colonial department and of the Parliament towards the colony, were sufficient to induce them to revolt, and to plunge their country into all the horrors of a civil war. No man can deprecate the conduct of the Canadians, in having recourse to such violent measures, more than I do. But when I hear so much about the necessity of protecting the integrity and the honour of the British Crown and of the empire, I feel bound to inquire by what means have that integrity and that honour been put in jeopardy? I say, by those fatal resolutions, which sprung from the Government, and which, most unfortunately, were passed by the late House of Commons. I contend that those resolutions were not only unnecessary, but unjust, and contrary to the constitution which had been granted to the Canadians by the British Parliament. No one doubts that the control of the revenues was guaranteed to the House of Assembly, and confirmed by the Act of 1791. Thus, in stopping the supplies, when the grievances of which they had so frequently complained still remained unredressed, they were exercising only a constitutional right, — a right which had been guaranteed to them by the Imperial Legislature. Suppose this House were to adopt the same course, and exercise its undoubted privilege of stopping supplies until certain grievances were redressed, would there be any Minister bold enough to come forward and propose to annihilate the constitution, and to shut up this House? Then, Sir, if such a course would not be taken with regard to the constitution of this country, why do you mete out a different measure of justice to your colony, unless it be for this reason,—that we are strong and powerful, and the Canadas are weak? It has been said that the Canadian House of Assembly has itself destroyed the constitution. I deny that. It was the eighth resolution, which was last year passed by this House, that abrogated the constitution of Lower Canada. Again, it has been said that the people of Canada have been misled by a few factious and ambitious demagogues. I admit that people may occasionally be misled by such individuals for a short time; but, in such a case, they will soon perceive their error, and return to the paths of duty and allegiance. When, however, I see the great majority of a people complain, for a long series of years, of grievances unredressed, I, for one, cannot attribute the occurrences that have taken place entirely to the influence of factious demagogues. Look at the result of the elections of members of the House of Assembly. Has not each succeeding election produced an increased majority in favour of the popular party, and against the policy of this country? And though you may destroy the House of Assembly, and disperse the advocates of the people, still other men will rise up with equal ability and zeal, and the voice of the people will be heard. The same might be said of Ireland; and yet, if the Honourable and Learned Member for Dublin were to close his days to-morrow, could it be supposed that the power which he has used with such beneficial results would die with him? No; fresh O'Connells would arise; and, until the grievances of the country were redressed, would exercise a similar power.

It has been said by many Honourable Members, that the great majority of the people of Canada have taken no share in the revolt, but that they are still loyal, and favourable to British connection, and British rule; and I, myself, believe, that there is a very large portion of the respectable inhabitants of the colony who, though they complain of the grievances which the bad government of this country has inflicted upon them, deeply regret the course which has been pursued by the more violent party. If this be the fact, and if the revolt be confined to a few persons, where is the necessity for taking away the constitution, even for a time? Can there be a greater act of injustice to those parties who have been true to their allegiance? With what hope or confidence can the Canadian people receive any new constitution, when we so flagrantly violate the one already secured to them? Can they expect more than that they will be permitted to enjoy the benefits of any constitution only so long as it may suit your own purposes to adhere to its provisions? I have always entertained a great respect for the Noble Lord who is about to go out to administer the affairs of Canada. That Noble Lord's name has always been quoted as that of a steady advocate of the rights of the people, and as a rallying point for the friends of reform. But, trammelled as the Noble Lord will be by the circumstance of carrying with him a Bill for the suspension of the Canadian constitution, I am most apprehensive that the Noble Lord will not find it a very easy task to carry into effect the objects of his mission. Instead of being treated with the respect and esteem which are due to him, there is great reason to fear that the Noble Lord will be regarded with feelings of suspicion and jealousy. I was happy to hear the Noble Lord on the Treasury bench speak, as he last night did, of the wisdom of abstaining from severity, and of taking the road of clemency and conciliation. Among the religious portions of the community in this country there exists a deep feeling to the same effect. It was my intention, on coming down to the House, to oppose any proposition for suspending the constitution of Canada; but, from the power of amnesty which is proposed to be given, and the conciliatory tone of the Noble Lord's address, I feel inclined to follow the advice of the Honourable Member for Bridport, and will not press my opposition to a division,—reserving to myself, however, a power of resisting the Bill in any of its details.

Mr. BORTHWICK. — In voting with her Majesty's Ministers on this occasion, I wish not to be understood as sanctioning, much less praising, their colonial policy as respects Canada. On the contrary, I protest against that policy. I will not say that the Government have conducted the affairs of Canada in such a way as to sanction rebellion; but I do, at the same time, insist that they did not take the necessary means to prevent it. I hold that their conduct is inexcusable in not having a sufficient military force in the colony to put down the insurrection at its first outbreak; and they are the more inexcusable on this point, inasmuch as they were forewarned by an Honourable Gentleman, not now in the House, that no sooner would the eighth resolution be promulgated in Canada than a rebellion would instantly break out. This statement was made distinctly, unequivocally, and in a manner which could not be mistaken. Her Majesty's Ministers heard it stated in this House, — and stated in a manner likely to render the prophecy fulfilled, — that an insurrection would take place as soon as the winter froze up the mouths of the St. Lawrence, so as to prevent the landing of the troops. This question cannot be viewed as an isolated case. In my opinion it is intimately connected with other matters much nearer home, which the House would do well to take into its consideration. The Honourable Member for Bridport recommends conciliation and charity towards Canada. But is this a time for conciliation — is this a time for the interposition of charity between the Crown and the subjects, when the subjects are arrayed in open rebellion? It has been denied by some Honourable Gentlemen that there is any sympathy with the Canadian rebels in this country. Did the proceedings at the late meeting at the Crown and Anchor warrant this assumption? What was the language held there — what were the appeals there made to the sympathies of the British public? I hold in my hand part of the report of those proceedings, over which a Member of this House, a subject of this empire, the Honourable Member for Kilkenny, presided. What was the language used at that meeting? One speaker concluded with a motto, which he said he would have inscribed on every Canadian banner, —

In freedom let Canadians live,
And brave the death which tyrants give.

Was this conciliation? Was there no sympathy in this? Another Honourable and Gallant Gentleman, not now a Member of this House, declared himself rejoiced to hear that there was a disastrous civil war raging in Canada. Why, in that very speech the Honourable and Gallant Gentleman was himself guilty of treason. The Honourable and Gallant Gentleman went still further. "He would refer them," he said, "to the history of this country. Did they ask what page in that history? They would hear of it somewhere about Whitehall. There was a glorious scene of substantial justice once enacted in that neighbourhood, which had been said to occasion a crick in the neck of every Monarch, at least once a year." Was this no appeal to the passions? Was this no treason? If it do not bear such a construction, what will the law officers of the Crown say to the sentence which followed? "That was the precedent to which he would refer them. Was it policy, or was it wisdom, to force them again to appeal to it?" Is it possible that a precedent for taking away the life of her Majesty could be thus freely spoken of in the heart of the metropolis by a citizen of London, and yet that the person who uttered it should still remain uncalled to an account by the law officers of the Crown? Do we live in so insecure a state of society? Is the seat of empire held by so slight a tenure that treason so palpable some dared to utter in the presence of a British assembly, over which the Honourable Member for Kilkenny presided? Can any one say, after this, that the rebellion in Canada is unconnected with the state of things in this country? Was there nothing significant in the manner of the Honourable Member for Bridport, who, in the same style and tone in which he would speak on the subject of weights and measures, spoke of the rebel Canadians as ardent Reformers? Is the ardour for reform which thus evinces itself in Canada of a nature similar to that which exists here? Was there nothing significant in what fell from the Honourable Member who last addressed the House, and who, it must be admitted, spoke in a tone of more moderation than some others who side with him upon this question — was there nothing significant in his saying, that if the Honourable Member for Dublin were dead, a hundred O'Connells would start up to fill his place? Wherefore is it that Ireland is thus linked with Canada? Is O'Connell to be considered another Papineau? If not—if he who is so closely connected with those who hold high places in Downing-street is not to be considered in this light — why mix up the state of Ireland with that of Canada, and thus insinuate the reference to Papineau and his rebel associates? The charge which I make against the Members of her Majesty's Government is, that they have not acted with firmness in maintaining the integrity of the empire against the worse than Bœotianly-stupid philosophy of modern days.

The Honourable Member for Bridport has argued that a colony must in time separate from the mother country, as a man must die; and — mark the philosophical *ergo* — when they take up arms the mother country must accede to their demands. Then, forsooth, the mother country, which has given the colony birth, and afforded her unexpensive and untaxed protection, must lose all hold! It has been argued, that Canada endures practical grievances, which press heavily upon the colony. From the first time I entered into this House until the present moment, I have heard much declamation on this point; but I never heard the assertion substantiated in any one instance. What are the grievances now complained of in unison with the rebellion of Canada? Do they affect the safety of person or property? Are the changes looked for such as are likely to promote any practical good? No, it is a mere abstract and speculative matter. The Canadians say, "We do not like the fashion of your constitution, so we will have a constitution of our own." The question is not a practical one — it is a mere abstraction, which the Canadian rebels feel themselves warranted in supporting by an appeal to arms. Her Majesty's Ministers, however, have to thank themselves for this state of things; — not because of the resolutions which were passed last year — not because of any firmness which the Government have exhibited on the occasion — but because of the encouragement which in this country they have afforded to those whose intentions were treasonable.

It has been asked whether Canada is worth the cost which she occasions, and why we do not separate in a cordial manner? There are two reasons to the contrary. First, this is not the time for separation, nor can any demands be granted until those who make them petition in the attitude of subjects. Next, the question is not now one of advantage — it is not whether the benefits to be derived from the navigation of the St. Lawrence will repay the expense — but whether Great Britain is or is not to be bearded with impunity by its own colony, or whether any section of her subjects, whether in the colonies or at home, shall present their petitions at the cannon's mouth. If the question is one of national policy, let the doctrine of separation be mooted at the proper time. For my own part, I am one of those old-fashioned politicians who think "Ships, Colonies, and Commerce" is the true motto of English policy; and I would much rather add to instead of diminishing our colonies, if it were in my power. This, however, is not the question, but, whether any citizens can make their demands at the cannon's mouth. I will vote with the Noble Lord, in the hope that the measure which he will introduce to-night may have the effect of reducing the rebels to subjection: but I shall feel it my duty to accompany that vote with a distinct opinion that it is not so much to the energy of factious demagogues, or to the spirit of discontent in Canada, that the present state of things is to be attributed, as to the utter imbecility and the vacillating weakness with which the reins of our colonial policy have been held for the last four years. If the Right Honourable Baronet the Member for Tamworth had been in power, and if Lord Amherst had been sent out to Canada, there is not a man in the House who will have the hardihood to say that the present crisis would have arisen. The Government ought to bring to trial and to punishment those who have fomented this rebellion. I will not go into the merits of the measure about to be submitted to the House, as more ample opportunity will be afforded for that hereafter. I would, however, warn the Ministry — I would warn the House — I would warn the country — that the rebellion is not confined to Canada. It has developed itself also in London, though not with the same helmet-head as it exhibits in the colony. Either the life of the Queen was threatened at the late meeting at the Crown and Anchor, or there are infamous misrepresentations of what actually occurred there in the newspapers. If the Gallant Gentleman uttered what is reported of him, and the law officers do not take the matter up, I say they are aiding and abetting high treason. [Cries of "Oh, oh!"] I care not for the consequences of my assertion. In the presence of God — in the presence of this House — such is my conscientious conviction; and if the Gallant Gentleman did not use the words imputed to him, then I contend that the proprietors of the newspapers ought to be brought to trial for high treason.

Mr. DILLON BROWNE. — I will not follow the histrionic speech of the Honourable Member for Evesham, nor will I attempt to argue the judiciousness of sending either the Honourable Member for Kilkenny or Colonel Thompson to the Tower; neither do I intend to institute a comparison between the Honourable Member for Dublin and M. Papineau — I think, indeed, that there is an essential difference between them, one advocating a physical and the other a moral agitation. I will, however, try to adhere to the subject matter of debate. It is with reluctance that I rise to address the House on this occasion, and I do so only because Irish Members, having hitherto taken but little part in the debates regarding Canada, I am apprehensive that it might be supposed they are apathetic respecting the interests of that colony, and do not sympathise in the sufferings of its people. Every Irishman must look with interest upon the fortunes of Canada, as, on account of a sad association in misfortune, that colony and Ireland have been placed in a companionship. Similar, if not identical, grievances have harassed and humbled them together. They knelt together before the same bar of British justice; they have been dismissed together with contumely and insult; and now, when they appear again to seek their just rights, though not in the same companionship of humility, though not in the same attitude of prayer — Ireland in that of supplication, Canada in arms — it must be excusable in even the humblest representative of the Irish people to express his sentiments in a debate which so deeply involves the fortunes of those who are fellow-sufferers with his own countrymen, and to take an interest in the struggle, in which their rulers may be taught a lesson which wisdom, learned from experience, may induce them to apply to his country. I hope the Honourable Member for Dublin will denounce the resolutions which the Noble Lord passed through Parliament last year, as contrary to the great principle of civil and religious liberty which he has ever advocated, and as productive of all the evils which have since taken place; and I hope, also, that the Honourable Member for Tipperary will prove upon this occasion that his estimate of justice is not measured by local prejudices and party antipathies, and that he does not wish it should be limited to the boundaries of Ireland alone.

The case of the two countries is nearly identical; in both there is a "monopolising, miserable minority;" and in both a powerful party in this House ready to pander to their wishes. Canada is in the worse position of the two; for while Ireland has only to contend with Honourable Gentlemen opposite, Canada has opposed to it the powerful force produced by the unnatural alliance of those Tories who are the avowed enemies, and those Whigs who are the avowed champions, of reform. I always regard an union between Whigs and Tories with much distrust, for then I apprehend some powerful resistance to the wishes of the people, if not some violent encroachment on public liberty. The Whigs are willing to allow the people to remain as they are, but it is always provided that it does not prejudice the aristocracy. They will even permit them to advance a little, provided always they give the aristocracy an opportunity to overtake them. But the moment the people endeavour to maintain a position from which they could not be dislodged, — the moment they wish to raise between themselves and the aristocracy a barrier which the latter could not overleap, — that moment the Whigs become Tories, and the people are the common enemy. I consider the conduct of her Majesty's Government with respect to Canada is unwise, unconstitutional, and timid withal. It is unwise, because contrary to the opinions of all great statesmen — it endeavours to govern a colony on the principle of coercion. It is obviously unconstitutional, because the resolutions of the Noble Lord invade the constitution of 1791; and it is timid, because, while it has popularity for its aim and oppression for its end, it has not the firmness of purpose to pursue the one or enforce the other. What the people of England must consider in this war, — for war it will be, if the sense of wrong continues, however the present efforts may be crushed, — is this: first, if it is a just war; next, it being just, if it is likely to be attended with success; and, lastly, if successful, is it likely to confer on England a benefit commensurate with the blood and treasure it will cost? To ascertain if it be a just war we must define what principles should direct the mother country in her guardianship of the colonies; for this is the proper term to express the relationship between them. For my part, I think we ought to extend to the colony that liberal policy which may enable it as soon as possible to maintain its independence, and we should govern it with that grace which would induce it, when free, to seek a friendly intercourse with the parent state. When they do separate — for separate they must in the course of time, to repeat the opinion of the Noble Lord the Member for North Lancashire — let it not be by a sudden convulsion, dangerous and degrading to either the one or the other, but let it be by mutual arrangement, which will promote the interest and honour of both. From that principle we have obviously deviated; but lest the opinion that we should nurse a colony merely for independence should be too extreme, let us take the opinions of eminent statesmen, and reflect how they would have acted towards Canada.

Sir James Mackintosh stated, "That a colony should have permission to conduct the whole of its internal affairs, compelling them to pay all the reasonable expenses of their government, and giving them at the same time a perfect control over the expenditure of the money;" and he further said, that "in the government of the colonies nothing is lost in yielding to the wishes of the people when expressed by their representatives." Mr. Fox said, "With regard to foreign colonies, he was of opinion, that the power of the Crown ought to be kept low; it was impossible to foresee what would be the state of a distant colony at a distant time. But in giving them a constitution it was our duty, as well as our interest, to give them as much liberty as we could, — to render them happy, flourishing, and as little dependent as possible; indeed, he thought the more despotic the constitution we gave a colony, the more we made it the interest of that colony to get rid of our constitution: and it was evident the American states had revolted because they did not consider themselves sufficiently free." And in another place he said, applying himself immediately to Canada, that "he conceived the only means of retaining a distant colony with advantage was to enable it to govern itself." Now, I would ask, did not the resolutions of the Noble Lord invade those principles of colonial legislation? Far from extending to Canada a more liberal policy than was extended to the British people, did not her Majesty's Government, in thrusting their hands into the public chest, do what they dared not do in England? Bring the matter home; suppose the Executive could last year have paid itself, what would have been the consequence? We should have had a Tory Administration; the King was avowedly a Tory, and he would have called the Tories to his councils: but they were not sufficiently disinterested to obey the call, as they feared the people would not pay them.

Have the present Government, in refusing to grant to the people an elective Legislative Council, acted in accordance with the opinions of Sir J. Mackintosh, and those other statesmen who told them to receive their principles of government from the recommendation of the people? No; they have deviated from those opinions, and the result has been an increase of ills. Their only argument is an obstinate adhesion to the constitution, not because it is a good, but because it is the old, constitution. The Noble Lord opposite has said, "How ill the Legislative Council has discharged their office, they (the House of Commons) might judge from the papers before them: the members of the council, on every occasion, had enrolled themselves on the side of Government against the wishes of the people, — they stood as an impotent screen between the Government and the people,— they neither repelled the people on the one hand, nor the Government on the other. But while they enabled the one to keep up a war against the other, they were the means of a continued system of jarring and contention. This council was the worst of all the evils which had taken place in the administration here for the last fifteen years." That was the opinion of the Noble Lord who now so warmly advocates the continuance of that council, and the usurpations of the Executive. The only benefit it can be derived from oppression, is the moral instruction which it brings to posterity; for, as success must eventually attend the right, such acts of oppression, as procuring the ultimate triumph of liberty, while they hold out a bright example to the people, teach, at the same time, a striking lesson to improvident monarchs and a reckless aristocracy; and when we view them through the vista of the past, and with the eye of memory, they stand as islands rising above the proper level of justice, on which history has erected beacon lights to guide the giddy vessel of the State. I do not wish defeat to attend the arms of my Sovereign; but I wish victory to crown them whenever they are directed against the natural enemies of the state, and the sovereignty of England.

Mr. BROTHERTON.—Sir, it was not my intention to take any part in this debate, and I shall not trespass long on the indulgence of the House; but I feel it my duty to protest against such language as that which has been used by the Honourable Member for Evesham. By such speeches as that of the Honourable Member, nations become involved in the calamities of a war, and the House knows too well that it is easier to get into a war than out of it. On principle, I am altogether opposed to war. Public opinion, and moral power, are stronger than armies. The use of physical force, in the redress of grievances, produces ten times greater evils than those it removes. I cannot, therefore, justify the Canadians in the means they have adopted. Honourable Gentleman talk loudly of putting down rebellion by physical force; but I would remind them that it is very easy to talk about putting it down, but it may not be quite so easy to accomplish it. It has been admitted, on all sides, that the Canadians have complained of great grievances. Let justice be done, and there will be less difficulty in putting down rebellion. I never can believe that a whole nation will commit suicide. If the insurrection in Lower Canada be limited and partial, it will very soon be put down; if it be general, there must be a cause, and it will be a fearful responsibility to engage in a war against a whole nation. Indeed, if the revolt be so limited as has been represented, no doubt it has been put down already, and, of course, there need not be a suspension of the constitution.

I feel considerable embarrassment and difficulty in this question. I cannot but remember what were my feelings when the Irish Coercion Bill was passed. I thought then that conciliation was preferable to coercion, and we have seen the effects of both.

Having been brought up and accustomed to entertain a reverence for the laws and constitution of the country, I cannot bring my mind to consent to the suspension of a constitution which was granted for the benefit of a whole people, and not of a party. I think it would, in the present instance, be more advisable for Government to pursue a conciliatory course. I highly approve of the appointment of the Earl of Durham; that nobleman is one, in whose judgment and discretion great confidence may be placed; and he might be invested with extensive powers. But I think his lordship will go out under great disadvantages if he carry with him a Coercion Bill; because the people will naturally say, whatever constitution may be proposed by us, if it do not meet the views of a particular party, it will not be established; and if it do not answer the expectations of that party, when established, it will be suspended or altered. The people, therefore, cannot consider themselves as free agents, or feel confidence in the promises of Government. Public opinion, I believe, will be found more efficacious than force; and measures of conciliation and forbearance will tend more to tranquillise the people of Canada — will take greater hold of their gratitude and affection, than the having recourse to violent and harsh proceedings.

Mr. LUCAS. — I should not have obtruded myself upon the attention of the House, if it had not been for the direct appeal that has been made to the Irish Members by the Honourable Member for Mayo. Knowing that most of the Gentlemen from Ireland, on both sides of the House, are absent in attendance upon duties which they consider of greater moment, and such as will more fitly occupy their attention at this time, I was most unwilling to put myself forward; but as I happen to be present, I will answer the appeal of the Honourable Member for Mayo, on the only point which can be justly brought into consideration at the present moment, as indicating a community of interest or feeling between the people of Ireland and the people of Canada. For a long period — a period of nearly 50 years — a considerablee migration has been going on from Ireland to Canada, fostered and encouraged by the loyal and well-meaning residents in the latter country; sanctioned also and protected by the Legislature. Continuing for 50 years, and each year progressively increasing, that process of emigration has had the effect of locating in Canada a large amount both of the population and capital of Ireland. Those who are disposed to emigrate must necessarily have some capital; and all the Irish settlers in Canada, when they quit their native country, either on account of political disasters or pecuniary deficiencies, still carry with them their capital, some more and some less. That capital is embarked in successful mercantile or agricultural speculations, and rests for its protection entirely on the faith of the British Government. The people who have so emigrated are peaceable, industrious, and loyal, attached to the British Government, and inclined to support it if the Government will support them. For the sake, then, of my countrymen in Canada, I must raise my voice against any proposal for the relinquishment of those colonies; or of withholding from those persons who have been induced to embark their capital in Canada, that protection which the Government of their own country has guaranteed to extend to them. I feel it also my duty to protest against the attempts made on the part of the French population to encroach upon the rights of those well-disposed and industrious settlers.

MAJOR MACNAMARA. — I rise only for the purpose of expressing my entire concurrence in all that has fallen from the Honourable Member for Monaghan.

Mr. CLAY. — I cannot bring myself to give a silent vote upon this occasion I cannot forbear from expressing the very great pleasure which I felt at hearing the calm, temperate, and rational speech of my Honourable Friend the Member for Bridport, recommending the proper course of policy to be pursued by this country towards Canada. At the same time, I could not help observing, that although my Honourable Friend the Member for Bridport, did not attempt to defend the conduct and measures of the insurgents in Lower Canada, still there did appear to be, on his part, a disposition to palliate the insurrection. The same tendency was also manifest in the speech of the Honourable Member for Falkirk. Now, as one whose whole public course has been one of attachment to popular principles, I must say that, in my opinion, the present insurrection in Canada is wholly without justification, without palliation, and without excuse. All their grievances were likely to be redressed — all were in a fair, reasonable, and probable course of adjustment, and it could not be said that they ever wanted for the services of able and earnest advocates in this House. I think there can be but little doubt that by a proper use of the privileges conferred upon them by their constitution, by a legitimate exercise of the power which a representative constitution has placed in their hands, by constitutional means, they might and would have succeeded in obtaining a redress of all the real grievances of which they complain.

I cannot conceive that they had any right to stop the supplies, and thus, throw the whole machinery of government into disorder. They had no right to avail themselves of that power for the purpose of enforcing organic changes in the contitution of 1791. We should look at the nature of the compact between the colonies and the parent state. And upon this point I would observe, that there is no analogy whatever between the claim set up by the House of Assembly of Lower Canada to stop the supplies for the purpose of obtaining an organic change in their constitution, and the legitimate and wise powers in this respect wielded by the Imperial Parliament. There is no second party to the compact in this country. There is no intermediate point of resort. But there is a second party to the compact between the colonies and the parent state. I hold that the former have no right to avail themselves of that control over the revenues, and power of allocation, placed in their hands by the constitution for the purpose of endeavouring to force on an organic change. I am bound to say, that in the case of Lower Canada, that power appears to me to have been wholly and grossly abused by the attempt to wrest from the governor and authorities of Canada demands and concessions which it was not in their power, even if they had been so inclined, to grant. I must also say, that, in the outbreak and whole conduct of this insurrection, I can find neither wisdom of counsel nor boldness of selection: the leaders do not appear to me to exhibit any of those qualifications which would induce one to suppose that they were the leaders of the majority of the people, or that they would make safe and prudent governors of a great and independent nation. In reference to Lord Gosford, I would observe, that though that Noble Lord may have committed an error in his administration of the affairs of the colony, yet it should be remembered it was a mistake on the right side. He may have been slow in his deliberations; but if he did err, it was a noble error, and one which, in my opinion, is likely to find pardon and palliation from the representatives of the people. Of the taking possession of the funds raised by the taxation of the people I certainly cannot approve; although, perhaps, the refusal to grant supplies was some justification for the adoption of that course. But I cannot allow that taking possession of the funds, in accordance with the resolutions, affords any palliation for rebellion. With regard to the plan now proposed, I have great pleasure in stating that it meets with my entire and perfect concurrence. Indeed, it appears to be the only one which could be taken with any prospect of success. In this country, at a distance, and with but a necessarily imperfect knowledge of the circumstances, it would be impossible to legislate with a prospect of a final and satisfactory adjustment of existing differences. Besides, the feeling among the Canadians would not be in favour of any plan originating directly in this country. The plan as proposed by the Government for redressing the grievances of the Canadian population appears to be a wise, generous, and well-considered plan; and I have no doubt that under the auspices of Lord Durham it will be attended with most successful results.

MR. JAMES.—I rise merely to express the great satisfaction I feel at the appointment of the Earl of Durham to the important mission on which he is about to proceed. If any man can settle satisfactorily the unfortunate differences which have arisen between the colony and the mother country, it is that nobleman, from his sound judgment and great talent. I fully concur in the Ministerial plan. I admit that the question would assume a totally different aspect if all the colonies in North America had, like Lower Canada, exhibited a willingness to terminate their connection with and dependence upon this country; but when Nova Scotia, New Brunswick, and Upper Canada are desirous that that connection should continue and be maintained, I, for one, cannot consent to emancipate Lower Canada from her allegiance to England. If it were otherwise, if all the colonies wished to become independent, I should be quite willing to free this country from the vast expense of her colonial administrations, and allow them to manage for themselves.

SIR HUSSEY VIVIAN.—I assure the House that in the few observations I feel called upon to make on this occasion, I will not intrude upon their indulgence at any length; but, Sir, I should be ashamed of myself if I could sit still in the House and hear the conduct of the British soldier impugned without cause or reason,—as it has been in the course of this debate,—without rising in my place and offering a few words in his defence. I, Sir, will look back at the various wars in which this country has been engaged, and I will venture to say, that in no case can it be shown that the British soldier was devoid of humanity. It has been said, this evening, that the British troops employed in putting down the insurrection in Lower Canada, burnt down the houses of the inhabitants after the heat of battle had ceased; and I am aware, also, that this has been charged against Colonel Wetherell, the officer in command, — that he not only sanctioned these proceedings, but that persons were in the houses at the time they were set fire to, and, being prevented from escaping, were thus deliberately massacred. Now, there is no mention of any such circumstance having taken place throughout the whole of the papers which have been laid before Parliament? It is true that a fortified house or barn was destroyed by Colonel Wetherell in his advance; and we know that in all wars it is usual to destroy fortifications or buildings from which the opposing troops have received annoyance, and which are capable of affording means of defence to the enemy; but we have no evidence to induce us to the belief that the building in question had within it a single occupant at the time it was fired by the troops.

When this question was discussed on a former occasion, I was sorry to hear it held forth as an argument for giving up the Canadian colonies, that, by possibility, the British soldiers might be induced, by improper motives, to quit their colours, and that they would look to the spoliation of the British settlers in Canada as an advantage that would compensate them for deserting their country. Now, I should like to know when the time was that British soldiers were ever influenced by such base motives? It is perfectly well known that in the army in Canada great desertion takes place. The habits and facilities afforded by the proximity of the United States and the advantages which are held out to the troops lead to that desertion. I know that during the time I was in Ireland, the depôts there had to send out twice the number of troops every year to the Canadas that they had to any other part of the British dominions. But what is the fact now? Why, that of late the troops have not deserted; and I will venture to say that whenever British soldiers may be called upon to do their duty to their country, so far from deserting, every man will be found to stand firm and hold fast by those colours to which he is pledged equally by his honour and his oath. The Honourable Member for Kilkenny has said that no preparations were made by the colonial government to anticipate and prevent the revolt, and that the people were driven to insurrection.

Now, I will not trouble the House by going through the various despatches that have been already laid on the Table, but, without quoting the passages, I must contend that they most satisfactorily prove, that every preparation was made that the circumstances of the colony required; while it is well ascertained that the revolt on the part of the Canadians has been most premeditated and determined, and not suddenly excited by any act on the part of the Government. The Honourable Member for Kilkenny has constantly stated in this House that he had, on various occasions, foretold the revolt that has since taken place in the Canadian provinces; and, certainly, I know of no individual who had a greater right to foretel it than that Honourable Gentleman himself. I recollect the letters of the Honourable Member — I recollect also the speeches of the Honourable Member. Why, Sir, we all know perfectly well a story, not altogether inapplicable to this case, in which a person named Martin foretold that York cathedral would be burnt, and who then went and set it on fire: and I really cannot help thinking that the Honourable Member has himself greatly contributed, in this way, to fulfil his own prophecy.

With respect to the government of Lord Gosford, I conceive that that Noble Lord carried conciliation as far as was possible. I know he was always most anxious to conciliate the people of Canada; and, indeed, if I have any fault to find with Lord Gosford, it is that he did not feel himself authorised to adopt coercive measures on the first outbreak of the insurrection. Looking from the beginning to the end of these despatches, it will be seen that Lord Gosford's instructions were to do everything that he possibly could to render justice to the Canadians, and to conciliate the feelings of the people of that country. I believe that the present disturbed state of those provinces is entirely owing to the melancholy existence of a strong party in that country inimical to the connection with England; but I hope and trust that the feelings of the people generally are in favour of the continuance of that connection. I will not now discuss the question of the emancipation of the colonies. The day may probably come, when emancipation will be necessary: but I should be sorry to see a great nation like this give up its colonies, because a party in those colonies chooses to arm itself in rebellion against the authority of the mother country. But it is said that this is a question of justice towards the colonists. I admit that it is so; and I would ask the Honourable Member for Kilkenny whether he thinks that Lower Canada is now in a fit state to be emancipated? Whether, in justice to the British settlers there, and those who inhabit Upper Canada, it would be possible to grant emancipation without incurring evils and bloodshed to a much greater extent than can result from the present rebellion? I most sincerely believe that, unless this country asserts its power, and maintains its dominion over Canada, the result will be destructive, not only to the Canadians themselves, but of every British subject who, under the protection of this country, has settled there. It is because I wish to prevent such consequences, that I sincerely hope every means for effecting an amicable settlement of the existing differences will be taken; that the Noble Earl who is about to proceed thither will have full power to conciliate; and that, through his exertions, the Canadians may long continue to live happily under the parental sway of this great nation.

Mr. HUME.—I was extremely happy to hear from the Honourable and Gallant Officer who has just sat down a repetition of what the Right Honourable Baronet opposite last night stepped out of his way to notice, inasmuch as it affords me an opportunity of replying to the observations so irrelevantly introduced by the Right Honourable Baronet, which I feared I should not have obtained, and of which I will at once proceed to avail myself. The Honourable and Gallant Gentleman has, as well as others, lent himself to state that which I will characterise only as a most garbled and incorrect representation. The Honourable and Gallant Gentleman has said, that I might well know that the revolt would take place, because I had foretold it four years ago. Why, Sir, ten years ago I foretold it. When sitting on the opposite side of the House, I recommended that the colonies of Upper and Lower Canada should be separated, amicably, from this country. On that occasion, I stated that if the policy which had been hitherto followed in Canada were continued, it must ultimately lead to resistance and separation. I foretold that, as soon as I beheld the blind and narrow policy which this country was adopting towards those colonies. Ever since my attention has been directed towards the state of our colonies in North America, there has existed nothing but misrule on the part of this country. A limited number of official persons, not having any interest in, nor being connected by property or birth with the colonies, have been uniformly maintained by the British Government in all the official situations in those provinces. The same spirit of religious persecution was pursued, the same disdain shown towards the Roman Catholics in Canada, as had been for so many centuries exhibited towards the Catholics in Ireland.

[Cries of "No, no!"]

What? Why every document proves it. Let those gentlemen who say "No," look to facts. In every respect, except the Government provision for the Catholic clergy, the Catholics of Canada are treated as the Catholics of Ireland were. The cry of "No, no!" therefore, can only have proceeded from those gentlemen who have adopted the one-sided tale which they have heard in this House. It is impossible for any gentleman who has read the Report of the Committee of Inquiry of 1828, to rise from its perusal with any other opinion than that a system of misrule has driven the people of Canada, most reluctantly, to the opinion that it ought to be met with resistance. There is a period when resistance becomes a virtue: and as I have frequently before stated, the parties interested must be the best judges when the time for resistance has arrived.

[Loud cries of "Oh, oh!"]

Such is the fact; and is there anything uncommon in this doctrine? I may be erroneous in my opinions; but I never have flinched, and never shall flinch, from an open and candid avowal of them. My opinions, with respect to the Canadian question, have been before the public for many years; and what I expressed in that letter, which has been garbled by Sir Francis Head, is the opinion I still entertain. I say garbled, because it has suited the purpose of Sir F. Head to send home one part of the letter without sending home the whole. He contented himself with sending home a portion of one letter instead of a dozen letters, which he might have had if he chose.

I am now prepared to repeat all that I stated in that letter. You are now seeing the consequences that have arisen entirely from that system of injustice which has hitherto been acted upon towards the Canadians. I will now read the letter from which the objectionable words have been extracted. It is addressed to Mr. Mackenzie. Gentlemen have spoken of a correspondence between me and Mr. Papineau. I am not aware that I ever had the honour of a letter from that gentleman, or that he ever received one from me, or that anything ever passed between us, except a communication from him of a vote of thanks which the House of Assembly passed for the little services which I had been able to render Canada in this House. But let the documents be produced; let the letters come forward. I do think that that which I foretold has come to pass, in the natural course of events, and that those Gentlemen who had the power to prevent it, have been the real cause of this unfortunate revolt. But I will not interrupt myself again. I must, however, before I begin, say, that the manner in which the Right Honourable Baronet, last night, alluded to Mr. Mackenzie, did show a worse and more vindictive spirit than I expected from him towards any individual, and particularly an individual in the situation in which Mr. Mackenzie is placed.

Now, Sir, who is Mr. Mackenzie? Mr. Mackenzie was once a member of the House of Assembly in Upper Canada. He had been the printer, editor, and proprietor of an opposition paper called *The Advocate*. A party organisation destroyed his property, pulled down his house, and endangered his life. He prosecuted the parties, and obtained damages for the injury he had sustained. But his enemies were not satisfied. The House of Assembly expelled him for a speech delivered by him on the hustings. The county of York re-elected him. He was expelled again; and re-elected again. Four successive times was he re-elected, in spite of all they could do. His last rejection was only effected by a majority of one; and then, by means of bribery. I, on that occasion, applied to the Colonial Office, and asked whether it was fit that such a course should be pursued? The Colonial Office told me, they did not countenance any such thing, and sent out orders that, as far as Government could influence the House of Assembly, Mr. Mackenzie should not be again expelled. He happened to be in England the last time of his expulsion; and what brought him here? He was deputed by the House of Assembly to support the claims of the colony. It was here, in London, that I became acquainted with him. He stated his case before Lord Goderich, who took immediate measures for remedying the grievances complained of; and I had the pleasure of presenting to that Noble Lord the thanks of twenty-five counties and towns in Canada for the reforms he introduced. Mr. Mackenzie returned to Upper Canada. Immediately after, what was the sense of the people of Toronto towards him? They, at the first meeting of the corporation, established the year before by Act of Parliament, elected him mayor of that city, which office he filled in such a manner as to gain the respect and esteem of a great majority of the people. And this is the gentleman of whom the Right Honourable Baronet spoke as "*a* Mr. Mackenzie." True; he is *a* Mr. Mackenzie: but there is also *a* Sir Robert Peel. But that is not the way to speak of any individual. What further did this lead to? Was he again expelled from the House of Assembly? No: he continued an active member of it for two years. He was chairman of the different committees, and prepared the reports of the grievances of Upper Canada. Was it to be supposed that such a man would be allowed by his opponents to remain quiet? No; they did every thing in their power to injure him; but nothing could be done to prejudice him in the minds of his constituents, until Sir Francis Head, at the last election, succeeded in getting him rejected. After this, the House of Assembly, by a majority of thirty-five to five, met, and tore from the Journals of the House the record of the whole of the proceedings by which he had been expelled, in like manner as was done by this House in the case of Mr. Wilks; and treated him, as will be seen by their speeches and resolutions, with the greatest respect. Such being the character of Mr. Mackenzie, I did feel, when that gentleman left England, that I was justified in doing all I could to see that the reforms, which had been promised by the Colonial Office, should be carried into effect. When I have read my letter, I will read another, and I will venture to say that Mr. Mackenzie, who, though he has become a rebel,——

[Loud cries of "Hear, hear!"]

Why, if he had been successful, he would have been called a patriot. Yes, speeches have been made in this House, by Gentlemen, as if no such thing as revolutions had ever taken place. By what power, I should like to know, does the house of Hanover hold their present seat on the British throne? Was not the first British sovereign of that House placed in that situation by a successful revolution? Let the grounds of the revolution of 1688 be inquired into; I wish the Honourable Member for the Tower Hamlets, who has stated that there is no palliation or excuse for the present revolt in Canada, would examine into the grounds of that revolution, and he would find that there was no greater justification for the revolution of 1688, than can be urged on behalf of the Canadian people now.

But by what right does the King of the French hold his throne? Is it by any other than a successful revolution? Yet has not this country even formed an alliance with a sovereign who sits on a rebel throne? Again, by what right is it that the King of Belgium holds his throne? Were Honourable Members on this side of the House slow to recognise him as a lawful sovereign? They seem, indeed, to act upon the doctrine that the people in all countries who make a popular movement, are rebels till they are successful, but patriots when they triumph. Honourable Members on the other side of the House, I am aware, asserted of the Belgians, as of the Canadians now, that they had no grounds for their revolution. I will not stop to inquire which side was right, or which was wrong, in the opinion they formed; but I do say, that the case of the Canadians and the Belgians ought to stand together. The Belgians were successful, and they were proclaimed patriots all, and have been recognised as such; the Canadians seem to be unsuccessful, and they are all denounced as rebels: we give title and honour to the one party, and the gibbet and execution to the other. Honourable Gentlemen seem most mealy-mouthed now, and to be afraid of the mere mention of the term resistance; but do they recollect a statement which was made to the House in 1766, by a Mr. Pitt, when the Government of that day brought in a Bill, not, perhaps, entirely similar to the present Bill, but partaking of much of its spirit, called the Stamp Act? What would that Honourable Gentleman have thought of the rhodomontade which has been uttered by the mealy-mouthed orators of the present day against any man who should dare to think of resistance? Let Honourable Members mark well what he — "a Mr. Pitt" — said upon that occasion: — "We are told that America is obstinate — that America is almost in open rebellion. Sir, I rejoice that America has resisted. Three millions of people so dead to all the feelings of liberty, as voluntarily to submit to be slaves, would have been fit instruments to make slaves of all the rest." For the 3,000,000 let the House read 1,000,000, or even 500,000, and would not the same argument apply in all its details to the present case? Mr. Pitt went on to say, "The Americans have been wronged: they have been driven to madness by injustice. Will you punish them for the madness you have occasioned? No; let this country be the first to resume its prudence and temper." This was the language then held by the Whigs, and the success of the Americans was rewarded and applauded, and the men who had taken part in the rebellion were eulogised as men who had risked their lives for the benefit of the country. And why is the same indulgence denied to the resistance of the Canadians? I think that the Government is acting a most ungenerous part, and I will subsequently state my reason for this opinion more in detail; but, first, I will apply myself to get rid of the personal attack which has been made upon me. The letter which has been complained of was dated the 29th of May, 1834, and was directed to Mr. Mackenzie on the accession of Mr. Stanley to the Colonial Office, and which, with the permission of the House, I will now read: —

> MY DEAR SIR, — I lately received files of the *Vindicator* and *Reformer* journals, and am pleased to observe that the electors of the county of York continue firm and consistent in their support to you, and that you manifest the same determined spirit of opposition to abuse and misrule. The Government, and the majority of the Assembly, appear to have lost the little portion of common sense and the prudence which society in general now possess, and they sacrifice the greatest of public principles in gratifying a paltry and mean revenge against you. Your triumphant election on the 16th, and ejection from the Assembly on the 17th, must hasten that crisis which is fast approaching in the affairs of the Canadas, and which will terminate in independence, and freedom from the baneful domination of the mother country, and the tyrannical Acts of a small and despicable faction in the colony.

[Loud cries of "Hear, hear!"]

Well, this was quite true; such must be the result of such a proceeding. The letter proceeds: —

> I regret to think that the proceedings of Mr. Stanley, which manifest as little knowledge of mankind as they prove his ignorance of the spirit and liberal feelings of the present generation, encourage your enemies to persevere in the

course they have taken. But I confidently trust that the high-minded people of Canada will not, in these days, be overawed or cheated of their rights and liberties by such men. Your cause is their cause; your defeat would be their subjugation. Go on, therefore, I beseech you; and success,—glorious success,—must inevitably crown your joint efforts.

[Loud cries of "Hear, hear!"]

Was there anything wrong there?

Mr. Stanley must be taught that the follies and wickedness of Mr. Pitt's government, in the commencement of the French revolution, cannot be repeated now, either at home or abroad, without results very different from that which then took place. The proceedings between 1772 and 1782, in America, ought not to be forgotten; and, to the honour of the Americans, and for the interest of the civilised world, let their conduct and the result be ever in view.

To W. L. MACKENZIE, Esq., M. P.
York, Upper Canada.

This is all of importance which this letter, that seems so much to delight Honourable Gentlemen opposite, contains. It shows, only, that I was then, as I have all along been, anxious that the grievances of the Canadians should be remedied; and it should also be remembered, that the letter was written at a most important period, when I was likely to feel most strongly upon the subject. Lord Ripon had removed Mr. Bolton, the Attorney General, and Mr. Haggerman, the Solicitor General, because the one had moved in the Council, and the other in the House of Assembly, that the despatch of his Majesty's Ministers should be laid under the table or be sent back to them. This despatch contained several alterations proposed by Lord Goderich, to meet the wishes of the majority of the people, and these officers had taken the lead in opposing the reforms which the colonial government had wished to take place. Lord Goderich, in consequence of these proceedings, had sent out orders that these gentlemen should either resign or be dismissed. They came home. Now, I will challenge the Noble Lord to produce any insult half so violent as these officers perpetrated against Lord Ripon; but it seems to be the maxim, that the worse persons in the colonies behave, the better they will be treated; for no sooner had Mr. Stanley come into office, than Haggerman the Solicitor General, was sent back to the colony, promoted to the rank of Attorney General, whilst Bolton, the Attorney General, was made a judge, and was sent to Newfoundland; and I think I shall be able to show that most of the stoppage of business complained of in that island is mainly owing to this appointment. It was at the time that these gentlemen were sent back, that I wrote the letter which has been alluded to, and which I have just read. I might, perhaps, have expressed myself in more temperate language, but feeling strongly upon the subject, I expressed myself so as to be understood.

[Loud cries of "Hear, hear!" and, laughter.]

I never mince matters; I call things by their proper names: and seeing what had taken place in 1774, in the United States, I wished to avoid a repetition. Another letter which I sent out to the colony, but which has not been sent back to this country, was to congratulate the colony on the removal of Mr. Stanley, and the appointment of Mr. Rice, and I said that I had known Mr. Rice for many years, and that from what I knew of him, I anticipated a new order of things; and I recommended that the wants of the colony should be embodied in a petition which I hoped would meet with immediate attention; but, at the same time, that they should not give up their exertions till they had obtained good government, which was equally important to England as to the colonies. This was one of two or three letters to the same effect, in all of which my sole object was to prevent the scenes which have since taken place. If the Right Hon. Baronet the Member for Tamworth had known all this, I think he never would have made the observations which he, last evening, stepped out of his way to do. I never intended my letters for publication, — they were mere private communications; but the publication only shows how dangerous it is to write privately to a printer. At the same time, I would tell Honourable Members that I never write anything on private or public affairs which I care about being printed.

But to show the House why the importance of my first letter was so magnified, I will call the attention of the House to what took place during the late elections. We all know the endeavours made on either side to make out a strong case in favour of the particular colours under which each was to fight. We (the Reformers) had for our standing dish the affairs of Canada, and the misconduct of the Duke of Cumberland, and, I must confess, that I am always most willing to apply myself to the latter point in the best way I can. The other Honourable Gentlemen had for their great stalking-horse the fear of Mr. O'Connell; and I will venture to assert, that there was not a Tory hustings throughout the country, which did not resound with cries on one of two questions — either respecting the Poor Law, or Mr. O'Connell and the Church. Now Honourable Members opposite might be honest with respect to O'Connell and the Church, but they were most dishonest with regard to the Poor Law Bill. But, at the time of the publication of this letter, an election was about to take place in Canada; and to make a good use of the letter, the common council of Toronto were called together to pass a resolution declaring that it tended to a separation between the colony and the mother country. This proposal was met by the following resolution: —

> That forced and unfair constructions have been attempted to be put upon the letter of Joseph Hume, Esquire, dated, Bryanston Square, March 29. 1834, by those who are hostile to the correction of the abuses in the administration of our provincial affairs; that the electors of the county of York fully deserve the commendation bestowed upon them by the great Reformer, for their continued, firm, and consistent support of their representative, upon his repeated unlawful expulsions from the Commons' House of Assembly, whose rash and unconstitutional conduct betrays a want of common sense and prudence, being a sacrifice of the greatest of public principles, and an invasion of the rights of the whole body of electors in the county; that Mr. Hume justly regards such conduct on the part of the Legislature, — countenanced, as it was, by the Crown Officers and other executive functionaries in the Assembly, and unredressed by the exercise of the royal prerogative, as evidence of baneful and tyrannical domination, in which conduct it is both painful and injurious to find the provincial officials systematically upheld by the Minister at home against the people; that Joseph Hume, Esquire, in desiring their independence and freedom from all such misrule, has nowhere expressed a desire to withhold from the people of this province that protection from the mother country which he has for years generously laboured to secure for them, upon the principle of good government and enlightened policy; and that he has evidenced the sincerity of his intentions by frequently repeated appeals to the Colonial Ministry and British House of Commons, for the redress of existing grievances; that Mr. Hume's opinion of the provincial Executive is justified by the solemn declaration of the people of this province, through their representatives in a late Parliament, when they unanimously addressed the present lieutenant governor in the following language; viz.: — "We feel unabated solicitude about the administration of public justice, and entertain a settled conviction that the continuance about your Excellency of those advisers who, from the unhappy feeling they pursued, have long deservedly lost the confidence of the country, is highly inexpedient, and calculated seriously to weaken the expectations of the people from the impartial and disinterested justice of his Majesty's Government."

This amendment was carried by a majority of 13 to 7, in spite of the influence of the Government; and it thus appears that my letter was made a mere stalking-horse to get the council to affirm by a vote what it never thought or believed.

I fearlessly challenge the production of any other document in proof of that assertion; and I say, if they who have made this charge knew of any such document to substantiate it, let them produce it, or hold their tongues for ever. Now to the question before the House; but first, who, let me ask, has obliged me to digress into this subject? Why the Right Honourable Baronet opposite. Upper Canada had never been mentioned in the debate, — had not found any place in the speech of the Noble Lord, — had not once been alluded to; yet the Right Honourable Baronet must needs drag Upper Canada into the discussion, for the purpose of showing that my letter may have had some influence on the proceedings which subsequently took place in Lower Canada. Yesterday, when the subject of Canada was before the House, on the question of the address, I, and those who act with me, pressed her Majesty's Government to allow a delay of twenty-four hours, to afford time for consideration of the question; and I must say, I think that the Government have behaved very ill in this matter; I think that the Noble Lord, as leader in this House, has by no means acted with the same respect to the Commons of England as the head of her Majesty's Government recently manifested to the Lords, when they wanted to have time given them; for they assented to the proposition. And are we, then, the Members of this House, to be trampled upon and treated thus; and is no time allowed us to consider this subject? If this is to be so, I shall only say, that the course which the Noble Lord has pursued is perfectly right; but if these propositions are to be discussed, the Noble Lord's conduct appears to me singular and unaccountable. I must, again, ask, — is it gravely proposed that every measure, of whatever character it may be, is to be passed as soon as brought in by her Majesty's Government? However, as the opportunity of the Address is gone by, it is my intention to move an amendment to the motion of the Noble Lord, and to take the sense of the House on the question. This, observe, is my own motion merely, and I ask no Gentleman to support me in it. I shall do so, with the leave of the House, because I was not able, last night, to express my opinions on the whole question; and because, in consultation with other Gentlemen, I find that to them, also, it will be a satisfaction if I be allowed to place my opinions on the Journals of this House. As to the opinions of the Honourable Gentleman the Member for the Tower Hamlets, I have already alluded to one or two of them, and I was sorry to find my Honourable Friend (Mr. Clay) expressing so cordial a concurrence in the general principles of this measure. But there is one point with respect to which my Honourable Friend, I must say, has read the papers on the table of the House to very little purpose, when he says that the House of Assembly had no right to stop the supplies, and, therefore, did wrong in adopting that course. Has my Honourable Friend read the despatch of Lord Glenelg to Lord Gosford, dated June 17. 1836, where it is said, in reference to this case, "His Majesty does not deny that this is a power which the law has intrusted to the representatives of the people?" I do venture to hope that my Honourable Friend does not mean to deny what his late Majesty thus asserted. My Honourable Friend was plainly wrong in stating they had not this power: the only matter of question is, whether it has been exercised with due discretion or not. For my part I clearly think that the House of Assembly were in the right on this point. However, it is to be observed that they did not stop the supplies altogether, but only as to a part; they voted them accompanied with certain conditions in the nature of restrictions.

Another remark of my Honourable Friend has much surprised me. My Honourable Friend has said, that the management of the Canadian leaders of this revolt has not been such as would go to show that they possess judgment sufficient to make good governors. But the people of Canada will have judged of that, and I cannot see why that opinion came to be stated by my Honourable Friend, except it was on the ground that success makes patriots, — defeat, traitors. But does the degree of their talent constitute that of their treason? Then, again, when my Honourable Friend reads once more the Address of the House of Assembly to Lord Gosford, dated the 6th of November, 1835, I think he will find his error with respect to the appropriation of monies without consent of the Assembly. He has contended that the Canadians had no pretext for the course which they have pursued. Why, I will show him that even Lord Gosford deprecated the taking of the Canadian money without the consent of the Assembly. That House said this: "We ought, however to express to your Excellency our conviction that the application of any sums of money subject to the control of this House, without the consent of the representatives of the people, would tend to create an obstacle to the arrangements contemplated by his Majesty's Government, which we most sincerely desire to see completed." This may be regarded as the last warning voice raised by the Assembly, to dissuade the British Government from interfering with the monies under their control. Did this have any effect upon our Government? Not the least in the world. The Noble Lord's resolutions passed, and the effect of them has been to increase the irritation and excitement which previously prevailed in the Canadas. Having grievances to be redressed, and complaining as they did of rights withheld, I cannot think that the Assembly were wrong in making a conditional stoppage of the supplies.

[Loud cries of "Question, question!"]

Sir, I am sorry to detain the House, but it is requisite for me to show (and I trust Gentlemen will bear with me whilst I do so) that the Government is taking a course which is not necessary. We have been told that the Government is disposed to act in accordance with the wishes of the majority of the people in that country. I only wish that it would do so; and I am now going to show the error into which the Noble Lord fell last night when he stated his belief that the conduct of the liberal party was not viewed with approbation by so many of the Canadians as was supposed. Have they not opposed the resolutions agreed to in the fourteenth Parliament of Canada, not hastily, but after due deliberation, passed by a majority of sixty Members, representing an aggregate of 372,000 persons, and opposed only by twenty-eight Members, representing but 138,000, — the number of Liberal Members who voted having thus a constituency double those of the Opposition? That Parliament was dissolved, and the result was, that the minority of twenty-eight was reduced to eleven, showing that the people were determined to support their representatives; and in the next Parliament the number of Members supporting the resolutions was increased to seventy-seven, representing a population of 477,000, whilst the eleven dissentients only represented 34,000, — thus proving that the assertion of grievances was not merely the effect of excitement, got up by one, two, or three men of talent, with the talented M. Papineau——

[A laugh, and cries of "Oh, oh!"]

at their head; but that it was the settled opinion of the country, on which the decision of the local Parliament might be considered as the embodied verdict.

[Renewed cries of "Oh, oh!"]

It may be very unpleasant to Honourable Gentlemen, who have listened with so much satisfaction to a statement which pleased themselves, to hear anything militating against their preconceived notions; but I must proceed. If any proof stronger than the renewed vote were required to show the opinion of the country, there is still another. Why did not Lord Gosford dissolve the Assembly? The constitutional argument is, that if the vote of the House was thought factious, or as misrepresenting the people, a dissolution should take place; but the reason why the appeal to the people was not made was given in Lord Gosford's reply, — "I cannot dissolve the Assembly, because the same men would be sent back." I can well recollect that when the House of Commons was divided in the proportion of 300 to 302 on the Reform Bill, William the Fourth came down to the House, and dissolved the Parliament: he saw a difference of opinion, on that occasion, so slight as to make him doubt which side really represented the people, and to them he appealed for a decision. The result was as unequivocal as it is notorious, — the Members on the benches opposite were reduced from 300 to 156. I think, therefore, that we ought to be satisfied with using constitutional means to effect a reconciliation with Canada; and I would say, "Do not suspend the constitution; do not send out Lord Durham with a Bill of pains and penalties;" for such is not the way to make peace — such is not the method to appease the irritation which, unfortunately, exists in those countries. If peace be the object of Ministers, they are, in my opinion, taking measures more likely to mar than to effect it. Let them learn from experience. Let them send out Lord Durham, if they please, with paramount power; let him exercise to the full every prerogative of the Crown; but let him not go armed with a Bill of oppression. By the course we are now pursuing we are acting most unjustly, in taking away the democratic power from the hands of the people; and we are but doing over again what was done by the British Parliament in 1774. I say, we are doing precisely what was proposed at that period by Lord North, who, in the House of Commons, in the debate on the government of Massachusetts Bay, on the 28th of March, 1774, said, "I propose in this Bill to take the executive power from the hands of the democratic part of the Government. I would propose that the governor should act as a justice of peace, and that he should have the power to appoint the officers throughout the whole civil authority, such as the sheriffs, provost, marshal, &c. I therefore move you, Sir, that leave be given to bring in a Bill for the better regulating the government of the province of Massachusetts Bay." And let the House look back and see what has been the effect of the course which was then pursued. The moderately liberal party in America, who were most anxious to preserve the connection with England, on the mere arrival of Lord North's proposal for a Bill, became as much opposed to this country as they had previously been to a separation; in short, precisely the same effect was produced as was lately experienced on the reception in Canada of the resolutions of this House of November last. And it is natural that the same causes should produce the same results. Lord North's Bill produced nothing but dissension and discontent; and are the Canadians a different class of men from those in the United States? True, it has been said that the Canadians are cowards, and will not fight; but precisely the same thing was said of the Americans. Well do I recollect Colonel Tarleton's boast, that with a single sergeant's company of dragoons he would march through the whole of North America. I can only apply to this Bill the language of Lord Camden, used in the debate of the 15th of March, 1775, on the Bill for restraining the trade and commerce of the New England colonies: — "We are told by some that this is a Bill of firmness and rigour to fill up the measure of justice and to inflict condign punishment on the obstinate and rebellious colonists; but by others, that it is a Bill of mercy, kind and indulgent to the Americans. But, my Lords, the true character of the Bill is violent and hostile. My Lords, it is a Bill of war; it draws the sword, and in its necessary consequences plunges the empire into civil and unnatural war." This is precisely the kind of war which must have been meant to be referred to by the Honourable and Gallant Officer who has just sat down, and it is just that sort of war which I most deprecate. Every step which we are taking is leading us deeper and deeper into the mire, and the measures which are now being adopted will, in my opinion, produce the most mischievous effect. Sir, I had hoped that such a course would have been pursued as would have justified me in using the words of Lord Chatham, who, having been tired out with the long and weary speeches which he had heard——

[Cries of "Hear, hear, hear!" and, laughter.]

when he, on the 1st of February, 1775, submitted his Bill for settling the troubles of America, after stating that the colonies were entitled to all their rights, added, —"So shall true reconcilement avert impending calamities; and this most solemn national accord between Great Britain and her colonies, stand an everlasting monument of clemency and magnanimity in the benignant father of his people; of wisdom and moderation in this great nation, famed for humanity as for valour; and of fidelity and grateful affection from brave and loyal colonies to their parent kingdom, which will for ever protect and cherish them." And so, Sir, say I. I hold with Lord Chatham. There is another instance on record, which is the case that was quoted by the Noble Lord (Lord J. Russell), in which measures of conciliation to Ireland were strongly advocated. Mr. Fox, in his speech on the state of Ireland, in March, 1797, said:—"I would, therefore, concede; and if I found I had not conceded enough, I would concede more. I know of no way of governing mankind but by conciliating them; and, according to the forcible way which the Irish have of expressing their meaning, 'I know of no mode of governing the people but by letting them have their own way.' And what shall we lose by it? If Ireland is governed by conceding to all her ways and wishes, will she be less useful to Great Britain? What is she now?" Now, Mr. Fox is justly held to be high authority, and the Noble Lord eulogised this reasoning on a former occasion. Well, what is Canada now? Or would she be less useful if her just demands were conceded to her? The case was made out for Ireland; and let me only, in stating it to the House, exchange the name of Ireland for that of Canada, and I will say, let the Canadians govern themselves, by allowing them to have their own way; let the people of Canada be benefited by the application of the same principles with the people of Ireland, and let them have the option of adopting their own system of government. I have done my duty, in explaining to the House the grounds on which I oppose the Bill; and I repeat, that I am of opinion that it is advisable, by peace and attempts at reconcilement, to endeavour to maintain a colony in connection with the mother country as long as possible; but so soon as the affection between the two countries is found to have ceased to exist, the sooner the system of separation is adopted the better it will be for the welfare of both. It is on this ground, therefore, that I put in my protest against the proceedings which it is proposed to adopt. I have prepared a resolution, on which I had intended to take the sense of the House, as it embodies my reasons for refusing leave to the Noble Lord to bring in the Bill; but it appears that, in the opinion of many Honourable Members who are sitting near me, it is considered better that I should postpone its proposition until the second reading of the Bill, in the event of such Bill being brought in. I must acknowledge, that I am still most unwilling to come to this conclusion; but the ground suggested to me by the Honourable Gentlemen in question is,—that such a resolution should not be put until the House has had an opportunity of seeing the object of the Bill. For my part, I declare that I can see no reason for any part of a measure being seen, the whole of which is bad. I shall, however, for the present, satisfy myself with taking the sense of the House against the introduction of the Bill; but, on its being brought forward for a second reading, I will take care that it be further considered.

SIR HUSSEY VIVIAN. — I rise to offer two words in explanation. The Honourable Member who has just sat down, appears to have misunderstood one part of the observations I addressed to this House. I beg to assure him, that I am one of the last men in the world to calumniate any one. I do not believe that the Honourable Member wishes to create a revolt in Canada; but when the Honourable Member asks, "what other letters he has written, which have been alluded to," I tell him that I do not know: but this I know, that no man had a better claim to foretel the breaking out of a revolt in Canada than the man who wrote that letter to Mr. Mackenzie.

Mr. CLAY. — My Honourable Friend (Mr. Hume) is wrong in supposing that I ever denied the right of the House of Assembly to refuse to grant the supplies. I never said so. On the contrary, I clearly stated that they had the right; but I denied the analogy which he attempted to establish, between the present case and that of our rupture with the provinces of North America in 1774.

SIR GEORGE GREY.—It is not my intention to occupy the attention of the House for a very long time; nor should I, perhaps, have been tempted to speak on this occasion at all, but for the observations which have fallen from the Honourable Gentleman the Member for Kilkenny. Had it been my fortune, however, to rise before that Honourable Member, it would have been my duty not only to express the very high gratification which I have derived from this debate, and to congratulate the House on the degree of unanimity which has prevailed this evening on the subject of the motion of the Noble Lord (John Russell), but also to remark, with peculiar pleasure, on the tone and temper of the debate of this evening, as compared with those of the last night before the recess. Perhaps, the debate which occurred prior to our adjournment at the close of last year was thus differently characterised, owing to the want of adequate information which we were then labouring under. The question, no doubt, is one which requires the most grave and deliberate consideration; and I rejoice that the House now sees the Honourable Member for Kilkenny, alone, on that side of the question which he supports. Does he, or does he not, stand there as the advocate of rebellion? Why, Sir, he has not called upon this House to suspend its judgment or opinion as to the conduct of Mackenzie. The Honourable Member has admitted facts with regard to Mr. Mackenzie, to the extent at which they had been already stated in the public prints; and then he has declared that the Right Honourable Baronet opposite had been guilty of great want of courtesy in respect to that individual, in calling him "*a*" Mr. Mackenzie. The Honourable Member, however, perhaps would not have objected to the plain term of "traitor" being applied to him: and, after the speech of the Honourable Member, it may reasonably be supposed—nay, I am bound in charity to suppose,—that the Honourable Member for Kilkenny considers the crime of rebellion as nothing;—that he does not consider any disgrace to be conveyed by the application of that term to any one. The Honourable Member has given a history of the transanctions in which Mr. Mackenzie has been an actor. But who is this Mr. Mackenzie? and what is the result of that history? The result of the whole statement is, that, without the shadow of any adequate, any absolute grievance, this man has plunged Canada in revolt and bloodshed; that he has brought, without any pretence, or an excuse for his conduct, his country, hitherto enjoying peace, to a state of warfare and misery,—for no good object, and on no reasonable allegation of wrongs,—but merely to gratify some vindictive political feeling which he, in common with others of his party, entertain. I am glad to find, however, that Sir Francis Head had formed a much more just estimate of the feelings of the people of Upper Canada towards England than Mr. Mackenzie, or any of his partisans; and the opinion which Sir Francis formed has been fully borne out by the result. He authorised Sir John Colborne to withdraw every soldier from the colony of Upper Canada, because he knew that he could depend upon the loyalty of the inhabitants of that province to defend and support the authority of the Crown, and, in the event of any insurrection, to put it down.

[Cries of "Hear, hear!"]

The Honourable Member for Kilkenny has complained of the case of Upper Canada having been at all introduced into this debate, though it had nothing to do with the question before us. On the last occasion, however, on which he addressed the House before the adjournment, he told us that the state of the Upper province had every thing to do with this question; that the then existing insurrection did not only affect Lower Canada, but would spread itself into the Upper province; and that the opinions of Mr. Mackenzie were put forth there, and with some success; that the people were dissatisfied, and that the contest for independence would soon extend itself to that portion of the colony. In short, he spoke almost with a prescience of Mackenzie's actual movements as they afterwards came to our knowledge. A few days only after these assertions were made, which I met with a broad and general denial, relying on the previous information I had on the subject,—that specific information was received,—which has now been laid before the House, but on which the Honourable Member has said nothing to-night, of the facts which had been predicted. It was said, too, the House will remember, that Nova Scotia was in a state of revolt. I particularly replied to that statement, that the spirit which unhappily prevailed in Lower Canada at least did not flourish in our other North American colonies,—that such was not the case in Nova Scotia;—and was I not right? Why, from that colony an address to the Crown has since been received, couched in as loyal terms as ever proceeded from the inhabitants of any country, testifying their abhorrence at the measures taken by the insurgents, and declaring their determination to adhere to their allegiance to the British Crown, and expressing their sense of the value of the British protection. What was the feeling of the inhabitants of New Brunswick? The same as that which existed in Nova Scotia, of which the then governor had said, that if circumstances should render it necessary for maintaining the British ascendancy (but I rejoice to say such a case has not happened so far as the information received at present will allow me to judge), he could put himself at the head of from 1000 to 5000 volunteers, and march into Lower Canada in aid of the Queen's troops and of the British Government. But no such necessity existed, and need not henceforward be feared, owing to the loyalty that still animates the people of Lower Canada, in which opinion I am borne out by the papers now lying on the table of the House. Here, then, both in Nova Scotia and Upper Canada, a determination was expressed to spare the soldier, and relieve his fatigues.

For the reasons I have stated, although a spirit of insurrection has been infused into the latter province by a few individuals, working on the excitable minds of a portion of the people, I feel confident that their success can be but partial and limited, from the existence of that healthy feeling which I have spoken of, as well as from the forces and the aid thus afforded by the loyalty of the great bulk of the community, to the object of crushing this revolt in its first manifestations. Allusion was made, in the course of last night's debate, to the want of troops in Lower Canada at the time of the breaking out of these insurrectionary movements; and we heard much complaint of the want of foresight said to have been manifested by the Government and its functionaries in providing for such an emergency. It has been shown that this charge is entirely groundless, for during last year the force has been greater than in any preceding one. One regiment that was to have left its station for Canada has not done so; and although Sir Colin Campbell has received instructions to send what forces he can thither, if it be considered necessary, yet, no such necessity having arisen, those instructions had not been acted on at that time. Since then, however, it has been deemed expedient that troops should be sent, and I have no doubt they have already arrived there, though only to find that their services will not be required. Deeply deploring, as I do, the spirit which has induced some men of influence in Upper Canada to act as they have done, in the mode in which they have exercised that influence, it is a gratifying circumstance to note the general feeling which has been excited among the British Canadians, in all the British American colonies, which is against those individuals and their views, and which has elicited a deep-rooted attachment to British Government and British connection. The Honourable Member for Kilkenny has compared the present case with that of the American war, consequent upon the separation of our North American colonies; but I need hardly allude to it, for it is only a superficial and very limited notion of English history that can suggest such a comparison. The revolt, in the present case, I consider as very limited, from the genuine British feeling which pervades the colony, and which has been fostered and promoted by British rule. I think there is no more ground for comparison or parallel between the two cases than between the able and eloquent speech of Lord Chatham and the speech we have heard to-night from the Honourable Member for Kilkenny. The Honourable Gentleman may think that this is matter of opinion, and I only state my own impression.

The Honourable Member has also alluded to certain existing grievances in Lower Canada, in terms of virulent condemnation. I shall not more specifically allude to these at present, because in justice to Lord Gosford, I must say, that it is necessary in the first place, and right and proper, that we should specifically know what these grievances are. Instead of this, the Honourable Gentleman has contented himself with certain general averments as to particular individuals, having been unfairly or oppressively excluded from office, and of Roman Catholics having been harshly treated by the Canadian Government. It is but just that I should remind the House that the instructions addressed to Lord Gosford last year, and which will be found among the papers now before it, but to which the Honourable Member has found it convenient to omit all reference in his speech, contained explicit declarations to Lord Gosford that he should, in all matters in which he might be called upon to interpose, act in a spirit becoming a British Governor dealing with British Colonists; in such a way, in short, as he would feel calculated to prove agreeable to this House and to her Majesty's Government. With reference to that Nobleman, himself, I do think that, considering the trying circumstances under which his Lordship has been called on to act, he has not been fairly dealt with in this debate. In the event of any specific complaint being brought forward of a substantive grievance which has not yet been remedied, I pledge myself to the assertion that no such allegations can rest on any good foundation. In the mean time, I must say tnat I think many ungenerous and unjust allusions have been made to Lord Gosford, by the Noble Member for Cornwall, for example, and also by other Honourable Gentlemen at that side of the House. The charges against the Noble Lord are vague in place of being specific, or I would meet them severally. I would fearlessly appeal to his conduct as governor. On the part of the Government at home, no dissatisfaction has been expressed at that conduct. On the contrary, every thing has tended to show that his Lordship acted as long as he could, on those measures of conciliation which he was sent out to Canada to forward and carry into effect, and which it was the most anxious desire of this Government to see him supported in, and which formed moreover the course at once most congenial to the feelings of the members of that Government, and most consonant to the principles of the British Constitution. It was only when these measures and efforts of conciliation failed, that Lord Gosford was driven to the necessity of directing certain acts, in consequence of which he has been stigmatised as a tyrant by the Member for Kilkenny, and designated as weak and imbecile by Honourable Members, who sit on the opposite benches.

But I do think that the conduct of the Noble Lord, on being looked at in all its bearings, is the best proof of its having been characterised by liberality and justice. Lord Gosford has been thus attacked because he has not thrown himself into the arms of one of the two parties in the colony. I admit that he has failed; but in thus exciting the anger of both parties in adopting the course which he has taken, he must be considered more unfortunate than guilty. He has concealed nothing from the government, and he has best supported the Queen's authority, by dismissing from office those magistrates and officers of the militia on whose co-operation, in the event of any insurrection or revolt, he knew he could not safely rely. He has acted with prudence and with temper in the discharge of his arduous functions. The proclamations which he has issued have been condemned; but could any better course have been adopted than that which was taken in them, which has had the effect of opening the eyes of those deluded persons who had joined the leaders of the revolutionary faction, which warned them against placing too much confidence in those leaders, which condemned the influence which they had gained, and beyond all this, warned the people from attending popular meetings, and from identifying themselves with those who had already broken out into rebellion against the legal authority representing the British Crown? And when the standard of revolution has been already unfurled, will the House condemn the governor for issuing a proclamation calling upon the people to return to their allegiance and duty, and to the protection of Government, and which besides offered them an amnesty, provided they would at once abandon those bodies by which they were being led to misery and destruction? If any specific charge be brought forward, I shall be prepared at once to meet it, and am ready to say that it has met that attention from the Government which it demanded. Lord Gosford does not retire from the Government under circumstances which will reflect anything in the shape of discredit upon him; but on the contrary, he retires, his conduct being fully approved of by his Sovereign, as well as by the Government under which he has acted.

There has been one point referred to by the Honourable Member for Bridport, which he says in some degree implicates the Government in the mode of carrying on the war, but which does not in any way justify the observations which have been made regarding the British troops and their conduct. Looking at the despatches which have reached the Government, and the accounts which we receive of the demeanour of the troops, I do not see how the Government can abstain from stating the entire satisfaction with which they view their steadiness, and the praiseworthy manner in which they have acted. But to show that the contest will not be carried on after resistance has ceased, I will appeal to the steps that have been taken. As for the destruction of the fortified houses, I will ask the Honourable Gentleman whether that was not the best course that could be taken for the sake of the peasantry themselves, who had been led into these acts of insurrection, and were thus prevented from again involving themselves in the same risk and danger in which they had so recently engaged? What was the language of the Government itself in the instructions that had been sent out to the governor of the province of Lower Canada? "Her Majesty cannot contemplate the bloodshed and misery in which a portion of her subjects have involved themselves without the deepest feeling of regret for the necessity which has occasioned the active services of her troops in one of the provinces of the British empire. The Queen, however, entertaining the fullest confidence that, as far as depends on yourself,"—and it should be recollected that at this time Sir John Colborne had been appointed civil and military governor of the province,—"these evils will be restricted within the narrowest possible limits, and that on the part of her loyal and faithful subjects in the province, no vindictive feeling will mingle itself with their zealous and strenuous endeavours, under your guidance, to put down insurrection and revolt, and to vindicate the authority of the law; but that their conduct will be equally marked with moderation as with firmness."

Such was the spirit in which all the despatches to the governor of the province were drawn; and he was strongly urged to take any measure to prevent the sufferings of the people of the districts unhappily engaged in the revolt, from extending beyond what was required by the exigencies of the case. I will not trouble the House further; but I felt called upon to make the few observations which I have addressed to it, in consequence of what has fallen from the Honourable Member for Kilkenny; and I regret that the Honourable Gentleman has not at once proposed the resolution to which he has alluded. I certainly entertained the sincere hope and expectation that the Bill, the provisions of which have been explained by my Noble Friend, and which is now to be laid on the table, will furnish the means of putting an end to those evils, and removing those difficulties which have retarded the welfare of the province of Lower Canada, and will ultimately lead to the adoption of measures that will develope the resources of both provinces, bound together as they are by common ties and common interests. I trust that the proceedings which will grow out of the measures before the House, will prove beneficial to both the provinces of Upper and Lower Canada, and that the inhabitants of these countries will find that the British Government is supported by the British Parliament in carrying out measures tending to the permanent interest and welfare of those colonies; that they will not sanction any measure that tends to hasten the separation of the colonies from the mother country, nor endeavour to retard that separation by measures of harshness and severity; but I sincerely trust that the course about to be pursued will be such that the connection may prove beneficial both to the mother country and the colony, and that, by the promotion of the common interest of both, the union will be rendered permanent.

Mr. BAINES.—I rise, not to prolong the debate, but to intreat my Honourable Friend the Member for Kilkenny not, under the circumstances of the case, to call for a division, upon an amendment which impeaches the merits of a Bill not yet before us. Of these merits it is impossible for us to judge, for we have not yet even seen the Bill, and therefore can know nothing either of its recommendations or its defects. I have also risen, Sir, for the purpose of asking the Noble Lord (J. Russell), when this Bill will be printed and in the hands of Honourable Members; for, unless copies can be distributed without delay, it will hardly be fair to call upon Gentlemen to discuss a Bill which is to come before them at so early a day as Monday next.

Mr. HUME.—I would just state that, as I am going to divide the House on the question of the principle only, I cannot see the necessity, as the Honourable Member for Leeds puts it, of this House having the details before it, prior to deciding on that principle.

SIR ROBERT PEEL.—As the Honourable Member for Kilkenny has now explained his intention of dividing the House on the principle of the Bill, it is necessary for other Honourable Gentlemen to state, what it is that they intend to do on this occasion. I therefore will state, at once, that I shall vote for leave to bring in the Bill; but in doing so, I do not by any means intend to express unqualified approbation of the course which has been pursued by her Majesty's Ministers. Considering that the constitution of Lower Canada is, at present, practically suspended, I do believe it may be well and necessary to pass a Bill in its provisions similar to some portions of the Bill which is now proposed to us. And, so far as this Bill goes, to give a legal or authoritative sanction to the suspension of the constitution of Lower Canada, and to make provision for the temporary administration of the government of that province, I shall not object to it. But, Sir, I do not quite understand the other provisions of this Bill, as they have been explained by the Noble Lord; and I do hope that Members on all sides of this House, whatever may be their conflicting opinions upon the merits of this Canadian question, will seriously consider the grave importance and possible consequences of those provisions under which the Noble Lord proposes to call a convention of the states of Upper and Lower Canada, for the purpose of considering what, at some future time, shall be the principles of their constitution, and the form of their government. I greatly doubt the soundness of the policy proposed to be pursued, in the course which this proceeding must involve; especially, and above all, as regards the Lower province, where men's minds are still inflamed with all which has so recently been passing around them, and where they are likely to be still further excited by your thus agitating the question of a new constitution. If your object be to bring about an amicable union between the people of the two provinces, I greatly doubt the policy of forcing on, at the present time, the discussion of any such measure. I greatly doubt whether both the provinces of Upper and Lower Canada are not now in that state of political excitement which would make it either inexpedient or impracticable to frame such a measure for such a purpose at this moment. I greatly doubt whether the feelings of the different parties in each province are not still in a state of exasperation, which would make it not prudent,—I might almost say practicable, at the present time, to bring about any such result.

The Noble Lord, as a part of his plan for effecting the object of this convention, appears to intend that this convention of estates having legislative authority, and the members of which are to be elected in a certain manner, as I understand the Noble Lord to say that they will be, — shall be composed of three members of the Legislative Council of Upper Canada, and of three members of the Legislative Council of Lower Canada; these are to meet together, and to be aided in their consultations by a certain number of other persons, also having a representative character. And, since there is already a representative assembly in the Upper province, it may not be difficult to get proper persons duly authorised to assist on the behalf of that Assembly. I do not say whether or not this part of the plan may be wise, although it may be legal. But now, when you are about to suspend the constitution of Lower Canada, — how are you to get representatives, or any other persons, to whom you can communicate a legal or authorised character to act on behalf of this great member of the estates, namely, Lower Canada? In what way is the Assembly of that province to attend at this convention? Do you mean to say that you will give to the governor of the colony for the time being, the power to nominate persons to attend in this capacity? If that be the Noble Lord's intention ——

[Cries of "No, no!" from the Ministerial benches.]

Well, then, I do not understand the Noble Lord. How can parties from Lower Canada assume to be representatives, when, by your own Act, the constitution is suspended? Representation will thus have been put an end to. How, then, are your deputies to be convened? It is certain that I do not quite understand the expression of the Noble Lord; but I must say, that many parts of a measure like this, giving a form of representation to a people while their constitution is actually suspended, and the whole country under martial law, — a measure, therefore, of a most anomalous and dangerous character, — will require, and I hope will find, from all Members of this House, the most jealous vigilance, and the most scrutinising attention. We should remember, all parties among us, that we are bound by every consideration to devote the utmost care and caution to the investigation of a measure like this, which we should recollect, by suspending the constitutional functions of the House of Assembly in Lower Canada, is an act of neither more nor less than absolute despotism—justifiable despotism, perhaps, under the circumstances, but still despotism; and it is far better that the Act, for the sake of precedent, should appear in its proper colours, than that it should pretend to give a constitution to Canada which cannot practically exist. It is useless and unwise to conceal the real character of such a measure. What I object to is, that we pretend, at the present moment, to conciliate, by saying that a certain form of representation shall exist, for the purpose of forming a body to frame the future constitution. If local inquiries are indispensable to be made, let them be instituted by a commission, appointed in recognised form, under the Crown, without suspending the constitution of the colony. I think, indeed, it would have been much better to confine ourselves to the necessity of the case, and suspend the constitution for a time, than for the present to take any steps towards framing a new constitution. The proper course would have been, for the representatives of England to declare, that they would make every inquiry, or direct inquiry to be made, so as to obtain adequate information to guide their future legislation on the subject. But this is not what the Noble Lord says, and I do trust that Honourable Gentlemen will not be led to mistake the nature of this measure.

The Noble Lord, on introducing the Bill says, that there should be an assembly chosen, of a nature which some people would call a convention of estates, and that this should be composed of persons representing both provinces; that they shall be a body speaking the sentiments, and giving expression to the feelings, of the people of both colonies, and that they shall assemble to draw up certain measures for the future government of those countries. But, then, my answer is again — the question, — "in what way will you provide that these representatives of the Assembly of the Lower province shall be chosen and appear, when you yourselves are in the very act of suspending the constitution of that province?" Does the Noble Lord mean that the governor of the province should name the districts, and the class of persons who are to choose these representatives? Does the Noble Lord mean to name the persons who shall be qualified to be chosen as representatives, or whom he will accept as such should they be elected? Or, does the Noble Lord mean that the governor of the province shall at once name those who are to represent that province?

All these things must be defined. I say, it is infinitely better to set out this, your measure, in its true light, — what it is you intend, by "a representation;" — for anything like that which you now suggest, in the way of a "representation," would be a mere mockery in Lower Canada, where you effectually extinguish the principle, — and thus to guard against a dangerous precedent, than to attempt to clothe it with a character or aspect of liberality, which, in reality, it does not possess. And therefore, if this Bill should contain provisions of this nature, — on the double ground that I object to our being called on for a premature consideration of and assent to the provisions of so extreme and so important a measure, and that I am, at the same time, most anxious that the foundation should now be laid for a just, liberal, and constitutional government in the Canadas, — and believing, as I do, that by now forcing, as it were, the judgments of men, whose feelings have been heated, and whose passions have been excited, by recent events connected with the history of this colony, or compelling that premature consideration of the question, which I have already stated my unwillingness to contribute to; — we should rather be obstructing than advancing that common and beneficent object which all of us have in view: — and finally, on the ground of the mockery of the pretence of giving a convention to Canada, of a representative character, whilst the constitution is suspended, and the representative bodies in the colony are no longer in existence; on all these grounds, I give fair notice, that my distinct impression is, that I shall feel it to be my duty to object to that part of the Bill.

If the Noble Lord, as I understand, intends to move the adjournment of the House, at its rising to-night, till Monday next, I will avail myself of the present opportunity of putting a single question to another Noble Lord, the Secretary for Foreign Affairs. I wish to ask that Noble Lord (Palmerston) whether or not he has any communication to make to Parliament, as to the state of the negotiations, which have long been pending, on the subject of the boundary line, between the province of Maine, in the United States, and the British province of New Brunswick? Very full communications on the subject have been made, by the Government of the United States, to the American Congress; and I do think, considering the importance of the question, and the magnitude of the British interests involved in the settlement of this line, the British Parliament have a right to expect some official information with regard to the correspondence which has been had on this question, so that it may see what the real state of this matter is, and what are the steps which it may be proper to take in it.

LORD JOHN RUSSELL — I feel it necessary to address the House, after what has fallen from the Right Honourable Baronet. I am quite sure that the Right Honourable Gentleman has, though unintentionally, misstated the intentions of the Government on this question, and has imputed to them a course of proceeding which they have no intention of following. The Right Honourable Gentleman says, in the first place, that when insurrection rages in certain parts of the province, and when men's minds are greatly excited by what has taken place in Canada, it will be inexpedient and unwise to call together what the Right Honourable Baronet calls a Convention of Estates, and which he designates as a mockery of representation, in Lower Canada. I will state again what are the intentions of Government with respect to this question; and I think that then we shall be relieved from both the charges that have been brought against us. In the first place, then, what the Bill proposes to do is, to set aside and suspend for a time, the present constitution of Lower Canada, and to place the authority — despotic authority, if the Right Honourable Baronet will have it so — in the hands of the Governor in Council. But I also say, at the same time, that we are determined to enforce the authority of the law. We do not design or intend to establish anything like a despotic government in the country; but we will take such steps that, at the earliest possible time we can, we will return to the constitutional government of Canada. For this purpose, I stated that it would be advantageous that the Governor to be sent out to Canada should have large powers entrusted to him; and that the future measures to be framed should not only be the result of the experience of the Governor, but that they should also have the additional recommendation which would result from their being framed in conformity with the suggestions of persons in the Assembly, which I have described, and by which arrangement, those measures would have greater weight both in this country and in North America. In considering the provisions of this Bill, it appears to be both wise and expedient that we should not interfere with the prerogative of the Crown; and whatever, therefore, is proposed to be done with respect to the Constitution of the Assembly I have alluded to, will be contained in the instructions of Her Majesty's Secretary of the Colonies to the Governor appointed, and not embraced in the Bill.

The Right Honourable Gentlemen asks, whether the Governor is to nominate the body which he calls the Convention of Estates? I will reply, by no means; but the Governor will take steps to call together that body, which I should call the Committee of Advice, on this subject. If the Governor shall find, which I do not believe will be the case, that great excite-still continues in the province, and that the calling together of the body I have alluded to is calculated, instead of promoting peace, to aggravate the feelings of dissatisfaction, then it will be the duty of the Governor to withhold his sanction from its assembling; but much on this point must be left to the discretionary power of the Governor. I do not, therefore, think that the plan is liable to the charge that has been brought against it, — that in the midst of civil war and excitement, we propose to call together this body merely for the purpose of giving a liberal aspect to the measure; which measure it is said must be a mere mockery of representation. But if the Governor shall think fit to call together such a body, it is impossible to allow the House of Assembly of Lower Canada to depute members to such a body; but still, I think that adequate provision should be made and devised for choosing this body; and that elections may be had, at which persons can be chosen to represent Lower Canada. Undoubtedly, however, this process ought not to be adopted until tranquillity is restored. But when the existing tumults and disturbances are put an end to, supposing that such a body is called together, containing persons representing the interests and wishes of the inhabitants of Upper Canada, and the interests and wishes of the inhabitants of Lower Canada — such body, called together by the Governor, and having had the whole subject laid before them by him, will be able amply to consider, and deliberate on, the matters submitted to their consideration, and the result of their deliberations will naturally have great weight, both with Parliament and the country.

I agree, to a considerable extent, with an opinion expressed by the committee of 1828, who reported to the House, after great deliberation, and having with great patience investigated the subject, to this effect: — that the British Parliament should not be called upon to interfere in the affairs of Canada unless in time of great need, and where its authority was necessary; but that in general the constitutional assemblies of the provinces should be left to the management of their own internal affairs. If the Government of the country are not prepared to propose a plan at once, they at least recommend a course which they have good reason to believe will meet with the approbation of a large portion of the inhabitants of the provinces, and will lay the foundation for future concord in Canada. As the Right Honourable Gentleman says that he shall oppose this part of the Bill, I will at once state, that in framing it my Learned Friend the Attorney General has been consulted, and he has given it as his opinion that it is unnecessary to frame enactments for empowering the Crown to do that which it is at present competent to the Crown to do. It has, therefore, merely been mentioned in the preamble of the Bill that such instructions have been furnished to the Governor. It is, consequently, already within the power of the Governor about to be sent out to Canada to summon this committee of advice. The Right Honourable Gentleman says that he shall put it to the House whether such authority should be granted to this body. It is certainly competent for the Right Honourable Baronet to do so; and when he brings the matter forward, I shall be prepared to meet him. I felt bound to state to Parliament so much respecting this body, as an explanation of a part of the plan of the general policy the Government mean to pursue with regard to Canada. It rests upon their responsibility. I felt bound to explain that it was a part of the instructions given to the Earl of Durham to summon such a council or committee of advice; and this was done without any such wish for a show of liberality, as has been stated by the Right Honourable Gentleman, but from a belief and conviction that by it means might be devised for the foundation of future good government in these provinces. The responsibility for giving such advice rests with the Government, —and we are fully prepared to bear it—for having given such advice to the Crown. It is, however, for the Right Honourable Gentleman, if he thinks fit, to show that the royal authority has not been wisely or properly exercised in this matter.

I will only further state, that with respect to the conduct of Lord Gosford in Canada, I do not feel called upon to make any observations, after what has fallen from my Honourable Friend the Under Secretary for the Colonies, in his very able speech on this subject. I quite concur with my Honourable Friend in holding that Lord Gosford has acted entirely in accordance with the instructions he had received and the character which he had to maintain; and that no man has ever manifested a greater desire to conciliate, and, at the same time, greater firmness, in not yielding in matters on which he believed that the honour or interests of this country were involved and endangered. In answer to my Honourable Friend the Member for Leeds, I would say, that it is undoubtedly my wish to bring in this Bill to-night; but I will observe that, as the Bill is of some length, I do not think that it is possible that it can be printed and in the hands of Members before Friday morning. And I do trust that I shall be able, as I am most anxious to do, to proceed, on Monday next, with the second reading of the Bill, which, I do not mean to deny, involves a grave and important question. This is a matter of the gravest importance; it is one on which I have no wish to avoid discussion. I am sure that it will be felt, on both sides of the House, that too much care cannot be bestowed on a measure so deeply affecting the future interests of the provinces, and the character of this country in North America, which, while it suspends the constitution, may lay a ground on which future dissensions may be avoided, and the means whereby peace and harmony may be established in those colonies. I will not say anything upon the boundary question, as the Right Honourable Baronet has directed his inquiry to my Noble Friend near me (Lord Palmerston), who will answer it.

SIR R. PEEL. — I, too, have one word to offer in explanation of my former observations. When the Noble Lord says I have misunderstood or misrepresented what he said, I cannot imagine that there is one man in this House, who did not infer, from the first speech of the Noble Lord, that the proposed Bill contained provisions authorising and empowering the Governor to call together a committee from both Canadas, such committee having a representative character. This, undoubtedly, must have been the construction put on that speech, by others besides myself; for the Honourable Member for St. Alban's in particular declared that he had become reconciled to the Bill precisely on account of the general advance it made in legislation, by enabling the Governor to call together a Canadian convention; and this compliment of the Honourable Member to the liberality of the Government, no member of the Government has to-night once attempted to repudiate. But the Noble Lord now says, that all which is intended is, to give instructions to the Governor, by the exercise of the royal prerogative of the Crown, — as prerogative it no doubt is, — to call a certain number of gentlemen together to advise with him. If this be all that is intended, no impediment shall be offered to it by me. But what I object to is, the giving the sanction of Parliament to any measure clothing with a formal representative character such committee. The Noble Lord says, that the prerogative of the Crown might be extended to sending for these Gentlemen as representatives of the districts of Lower Canada. I doubt whether there is such a power; but, at all events, it is contemplated to give the Governor the power, in the present state of Lower Canada, to name the districts which shall return certain gentlemen to such a committee as representatives of the feelings and opinions of the various classes of Lower Canada. I shall object to such a proposition.

Mr. HUME.—Whenever the opportunity offers, I shall support, by my vote, that objection.

LORD J. RUSSELL.—I stated, just now, though the statement has not been noticed by the Right Honourable Baronet, that it will be inserted in the preamble that such and such instructions had been given to the Governor. I do not think it necessary that there should be any clause in the Bill empowering the Governor to call a committee of advice together, (such a proceeding being perfectly within the prerogative of the Crown,) or to give power to the Governor to make a new division of districts. This latter power it is quite unnecessary to introduce into the Bill. I may not have made myself quite intelligible to the Right Honourable Gentleman; but this I can say, that, two hours before, I did see a draught of the Bill, in which it was proposed that, in the preamble, this power should be recited.

Mr. ELLIS (Newry).—I much rejoice that the observations of the Right Honourable Baronet have elicited an explanation from the Noble Lord, whose statement just now seemed to me quite different from that which he gave us in a former part of the evening. I thank the Right Honourable Baronet for his speech. I cannot but think that a selection of districts by the Governor, as proposed, would be productive of great dissatisfaction in the colonies, and prove a very pernicious measure.

VISCOUNT PALMERSTON.—In answer to the question which has been put to me by the Right Honourable Baronet opposite, on the subject of the boundary question between the State of Maine and the province of New Brunswick, I have to state that it is my intention to produce and lay before the House the papers and documents containing the correspondence which has taken place between the two governments on this subject, up to the present time, from the period when the last communication was made to Parliament.

The Gallery was then cleared for a division; and the question was put as follows:—"That leave be given to bring in a Bill to make temporary provision for the government of Lower Canada."

The House divided;—

Ayes . .	198
Noes . .	7

Bill ordered to be brought in by LORD JOHN RUSSELL, LORD VISCOUNT HOWICK, and SIR GEORGE GREY.

ADJOURNMENT OF THE HOUSE.

On the motion of Lord JOHN RUSSELL, it was ordered that the House, at rising, do adjourn to Monday next.

Agreed to.

CANADA.

Mr. HUME.—I find, Sir, in looking over the documents which have been laid on the table, with reference to the Canadas, that a great number of those which I required are still wanting. I will not detain the House, by more than a brief recapitulation of the motives which induce me to call for these. I want particularly those despatches or communications, addressed by Lord Glenelg to the Earl of Gosford, which comprise the instructions that were to direct the latter as to the mode in which he should conduct himself. The third paper I require on this account. I am informed, that those documents which it was expected would be laid on the table, and which were said to contain treasonable correspondence, have not yet been forthcoming; I wish to know whether any such documents have reached this country? The object of the next papers I call for, is to do away with the erroneous impression, that the House of Assembly have refused the supplies. This has been asserted by the Noble Lord (J. Russell) himself. It is true, that they annexed certain conditions, and I want to know what those conditions were. Let us see whether they were such as a governor, who was disposed to respect the constitution of Canada, was justified in declining to comply with.

The Honourable Gentlemen then moved for the following papers:—

Copy of the despatches from Sir F. B. Head to Lord Glenelg, dated 21st April, 1836, and 16th July, 1836.

Copies or abstracts of the bills of supply passed by the House of Assembly of Lower Canada in each year since 1832; and copies of any despatches relating to such bills of supply, or to the refusal of the Legislative Council to pass any of such bills; specifying the year in which the House of Assembly altogether neglected to pass a bill of supply.

Copies of any resolutions, received by the Colonial Office, passed at meetings held in Upper Canada, since March 1837, relative to the grievances and complaints of the people of that province, and of Lower Canada; and, Copies of any despatches from Sir F. B. Head relative to such resolutions, and of the measures adopted by him respecting them.

Copies of any despatches received from Lower Canada, explaining the conduct and proceedings of the Speaker of the House of Assembly of that province, and of the twenty-seven other persons named in the report of the Attorney and Solicitor General, dated 18th November, 1837, upon account of which the said persons were directed to be arrested, and the date of the proceedings upon account of which their arrest was ordered, and the date when ordered to be arrested.

The names of the magistrates dismissed by Lord Gosford, upon the representation of the Attorney General that certain proceedings which he contemplated to take would be hazarded if the said magistrates continued in the commission of the peace, and the nature of the charges made against each of the said magistrates, as stated in Earl Gosford's despatch of 22nd November, 1837.

A copy of the report of the Executive Council, and of the Attorney General, respecting certain individuals in the magistracy, referred to in Earl Gosford's letter of the 22nd November to Lord Glenelg, as the reason of removing them from the magistracy: — Also, a copy of the Earl of Gosford's letter of the 4th November to the Attorney General, referred to in the Attorney General's letter of the 18th November, 1837.

A list of the names and occupations of the objectionable justices removed from the commission of the peace in Montreal; and also, the names and designations of the persons added to the commission of the peace at the same time, as stated in Earl Gosford's letter of the 22nd November to Lord Glenelg.

Copies of any letters received from Nova Scotia, New Brunswick, Prince Edward's Island, and Newfoundland, relative to the constitution of the Legislative and Executive Councils of the Governments of those colonies, or to their being made elective, or to any change that has been required by any branch of the legislature of those colonies to be made to the said councils, within the last eight years; also, to any change that has been made, or directed to be made, in them, or in any mode of electing new members of the said councils.

MR. HUME.—Having moved for these papers, I am aware that I may be thought unreasonable in asking for so large a mass of documents; but I am certain the House will see the great importance that we should agree, however we may differ in the conclusions which we draw from them, on the main facts of the case. Now, there is the letter of Lord Gosford, which he wrote to the Attorney General, but which letter does not appear. Sir, the Attorney General is said to have arrested upwards of 200 persons in Canada. Surely we ought to have a complete statement before us of the grounds on which such proceedings as these can have taken place. Well, Sir, then there came the dismissal of all the liberal advocates of the law courts in one day. Is it not indispensable that we should know something more about that? I will not read the paper which I hold in my hand, but I may state that it is a copy of the resolutions which were lately agreed to in Prince Edward's Island, in favour of a Legislative Council. They are signed by, among others, thirty-six of the clergy. Here is also the opinion of the Attorney General of Nova Scotia.

SIR GEORGE GREY.—I can have no objection to the first of these papers, the despatches from Sir F. Head in April and July, 1836. As for the second, I must put it to the Honourable Gentleman, that the expense of printing such a mass of matter would be quite indefensible, seeing that all the information which it calls for, or at least that part which comprises the Bills of Supply, is contained in the appendix to the parliamentary papers of 1833, and in the colonial papers of 1834. I presume the Honourable Gentleman will withdraw that part of his motion. To the third Return,—copies of any resolutions received by the Colonial Office, passed at meetings held in Upper Canada since March, 1837,—I have no objection. With regard to the fourth, I shall certainly refuse it.

The first and third Returns were then ordered; the motion for the second being withdrawn.

Mr. HUME. — I shall certainly feel it my duty to move for one of these papers, which the Under Secretary for the Colonies appears so determined to refuse. I shall also move afterwards for the accounts relative to the dismissals of magistrates, which appear to have been referred to in a letter dated the 22d of November, addressed by Lord Gosford to Lord Glenelg.

SIR GEORGE GREY. — Does the Honourable Gentleman mean to withdraw the next on his paper?

Mr. HUME. — No, it is very important.

SIR R. PEEL. — Perhaps it is the one marked in the paper "No. 32." That may be important for us to have. I hope there will be no objection, hereafter, to grant it.

SIR GEORGE GREY. — That is not the same which the Honourable Member for Kilkenny refers to.

Mr. HUME. — I now move "That a humble address be presented to her Majesty, that she will be graciously pleased to give directions that there be laid before this House copies of any despatches received from Lower Canada, explaining the conduct and proceedings of the Speaker of the House of Assembly of that province; and of the twenty-seven other persons named in the Report of the Attorney and Solicitor General, dated 18th November, 1837, upon account of which the said persons were directed to be arrested, and the date of the proceedings upon account of which their arrest was ordered, and the date when ordered to be arrested."

SIR GEORGE GREY. — I must divide the House.

A division then took place: —

Ayes . . .	13
Noes . . .	61

Motion for papers negatived.

SIR GEORGE GREY. — I have no objection to give a list of all the magistrates who have been dismissed in Canada since the 1st September, 1837. I think it as well to tell the Honourable Gentleman, that if he wants to get, by indirect means, at a confidential despatch from the Earl of Gosford himself to this Government, he will not succeed in his object. I am not prepared to say that all of them were dismissed on the representation of the Attorney General for Canada; but I will now move an address for "List of all magistrates dismissed from the commission of the peace in Lower Canada since the 1st of December, 1837, with the date of their respective dismissals."

"List of all magistrates in the commission of the peace for the district of Montreal, on the 1st of December, with the date of their respective appointments."

Ordered.

Mr. HUME. — I shall next move for the printing and production of the third Report of the Executive Council and Attorney General to the British Government.

SIR G. GREY. — I must certainly object to the production of such documents. We have not got this Report yet in our possession; but if we had, it would clearly be one of a confidential nature, and such as I could not consent to produce.

Mr. HUME. — What I want chiefly to know is, whether there will be any objection to give the dates at which these despatches were received? I think it of great consequence that we should see, whether or not, there has been any improper delay in their production.

SIR GEO. GREY. — I do not know that the dates are in existence. I believe it is not usual to preserve them.

LORD STANLEY. — I beg to state to the Honourable Gentleman, that when I was at the Colonial Office, it was the custom carefully to record the dates of the receipt of despatches.

SIR GEO. GREY. — The Noble Lord, I know, is quite correct in the statement which he makes. I can only say, that it is not the usual practice of the office. I have no objection to produce these dates, except one which I feel, myself, as to the inexpediency of the precedent. But on the part of the Government I apprehend that there can be no objection.

LORD STANLEY. — I did not mean, by the observation I ventured to interpose, to intimate that there was on the part of Government any desire to withhold these dates; my object was rather to show, that in his own office, the Honourable Secretary will find a means of referring, at pleasure, to the dates of despatches received in a very long course of years. I framed a minute in the year 1834, under the arrangements established in virtue of which, on one occasion, when I called for them for some purposes of reference, despatches of the years 1778, 1779, 1780, and 1781, were immediately furnished to me. This minute has since been printed, and in that print the Honourable Gentleman may find a list of the dates, upon which they were respectively ordered to be printed.

SIR GEO. GREY. — I beg to apologise for having overlooked that fact, and feel obliged to the Noble Lord for communicating it.

SIR ROB. PEEL. — I believe there will be no objection to printing a despatch, which I am very desirous to see, referred to on the 6th of October, 1837. It is alluded to in paper "No. 32.," in which Lord Glenelg acknowledges the receipt of a despatch which had been addressed to him by the Earl of Gosford conveying to him the address which had been agreed to by the House of Assembly, on the receipt of the intelligence of the resolutions of the House of Commons as communicated to Lord Gosford through the Colonial Office. Lord Glenelg says, in his despatch of the 6th of October, "I will take an early opportunity of addressing you more at length on the affairs of the province, when I have to communicate on some other subject."

SIR GEORGE GREY. — I am bound to admit, to the Right Honourable Gentleman, that in this case, no difficulty in the nature of the communication being private and confidential existed, to prevent the despatch in question from appearing among these papers. Subsequently, however, to the time, at which this despatch was forwarded by Lord Glenelg to Lord Gosford, the Right Honourable Baronet will perceive that communications reached England, materially altering the views which the Government here may be supposed to have entertained on Lord Gosford's previous representations as to the state of the province; and therefore Lord Glenelg did not write again on the subjects upon which he had fully intended to address Lord Gosford.

SIR ROB. PEEL. — In that case, there is of course no further difficulty on my mind, as to what I supposed to be a missing despatch.

Mr. HUME. — I beg to move, Sir, "That an humble address be presented to her Majesty, praying that she will be pleased to give directions, that there be laid before this House a copy of the Report of the Executive Council, and of the Attorney General, respecting certain individuals in the magistracy, referred to in Earl Gosford's letter of the 22d of November to Lord Glenelg, as the reason of removing them from the magistracy: also, a copy of the Earl of Gosford's letter of the 4th of November to the Attorney General, referred to in the Attorney General's letter of the 18th of November, 1837."

This motion was put, and negatived.

Mr. GROTE. — I hold in my hand a petition very intimately connected with a Bill which the Noble Lord has obtained leave to bring in to-night. Will the Noble Lord object, after the other business of the evening has been disposed of, that I should present it?

LORD J. RUSSELL. — I have no objection.

Mr. HAWES. — There is one question which I am very desirous to put; and, with the permission of the House, I will take this opportunity of asking it. Having supported the address to the Crown, from a sincere desire to support the Government, and strengthen its hands, in putting down revolt in Canada; and being also prepared, though not without regret, to give my support to the introduction of the Bill for suspending the constitution of the colony, I wish to know whether the Noble Lord has adopted any measures to prevent sanguinary punishments from being inflicted upon delinquents who may have been tried and found guilty, on charges connected with the revolt, before the arrival, in these provinces, of Lord Durham, who may be disposed to be a little arbitrary. I think it is highly proper, that where the melancholy necessity of the case is supposed to have rendered the investiture of excessive and enormous powers indispensable, steps should be taken to prevent the extremes of legal punishment from visiting the commission of political offences, under circumstances of very extraordinary excitement.

LORD J. RUSSELL. — I think it may be gathered from the question of the Honourable Member for Lambeth — though I do not suppose that he meant to imply so much — that there existed some expectation, on the part either of this House, or of the Government, that sanguinary executions would be likely to take place under the orders of Sir John Colborne. I must say, that I have no expectation that Sir John Colborne would order any sanguinary executions, or countenance any punishments beyond what he might think that the claims of his painful duty imperatively called upon him to inflict, under the circumstances in which he is called upon to discharge that duty. I should not have thought it necessary to desire Sir John Colborne to refrain from any course which I considered it to be unlikely that that distinguished officer would pursue—namely, a course marked by a character of vindictiveness or sanguinary severity. At the same time, I should state, that the Government did think it advisable and right not to withhold from Sir John Colborne their general opinions as to the inexpediency of capital punishments in the present emergency. In a despatch (which it would not be prudent or regular to produce at this moment), her Majesty's Ministers have advised him of the nature of their own general impression (in which they concur, and in which almost every body in this country, will, on reflection, concur), that on an occasion of this unfortunate nature, capital executions, where not immediately required by absolute and overruling necessity, would tend both to prolong the contest, and would leave afterwards, on the minds of the people, feelings of exacerbation, not easily extinguished. In stating this opinion to Sir J. Colborne, I must fairly add, that we did not in the least doubt that gallant officer's disposition; and I must also say, that we did not lay upon him any positive instructions which might fetter him in the execution of his duty: but we merely stated to him what was the general opinion of the Government on this subject,—an opinion in which I have not the least doubt but that Sir John Colborne will, himself, fully concur.

Mr. HAWES. — The Noble Lord is quite right in the construction which he has put upon the object of my question. I did not mean to imply that any unnecessary cruelty would be exercised by Sir J. Colborne; I merely inquired as to the conduct of Government, and not as to the conduct of the Gallant Officer. I beg to add, that I am perfectly satisfied with the answer of the Noble Lord.

Mr. WARBURTON. — According to the humane practice of this country, state prisoners are always treated and attended to very carefully. It will, however, be seen, from papers that have been laid on the Table of the House, that, owing to the neglected state of the prisons of Montreal, a prisoner had lately perished. I do hope that the same indulgence and attention will be shown to the prisoners in Montreal, as are ordinarily exercised towards prisoners in this country.

SIR ROBERT INGLIS. — I know no question upon which the minds of men generally, though not my own, are more divided than this, — whether capital punishments ought or ought not to be inflicted? — Whether they ought or ought not to be altogether abolished? But, with respect to the person whose name many Members actually cheered last night when coupled with the appellation of "traitor," — if such a person, after a fair trial, should be convicted, and execution should not follow upon that conviction, I do think the Government would display what I should consider a very false and spurious humanity, — if, under these circumstances, they should interpose to prevent execution.

Mr. C. BULLER.— I am sorry to hear such an observation from the Honourable Baronet. Sufficient angry feeling, I should have thought, had been excited, when the name of Mackenzie was mentioned; and it did appear to me, I own, that on this occasion the fierce passions of men required no additional excitement. I should think that the mercy of the British Government might be properly extended towards any individual, under circumstances of strong palliation at least, who had been mixed up in this struggle; and I believe that in such a course the feelings of the people would go with them. I think that, in the present instance, Government might set a memorable and useful example, by not shedding one drop of human blood!

Mr. BORTHWICK.— There can be, I apprehend, no doubt that the brightest ornament which decorates a crown is mercy. But when it is invoked in a case like this, we must take care, in the first place, to see whether or not it can be fairly exercised. The parties to whom this discussion alludes are not "state prisoners," as the Honourable Member for Bridport would put the case to the House. It is to be remembered that they have been the guilty cause of a needless outpouring of human blood — they are prisoners of war. It is one of the afflicting indications of these maudlin times, of false philosophy and pseudo humanity, that, to accomplish the ends of both, some men are too prone to assume a mask of considerate liberality.

LORD JOHN RUSSELL.—From the observations which have been made by the Honourable Baronet opposite (Sir Robert Inglis), I am induced again to rise, that I may submit this single remark. We have no wish to claim credit for the Government for carrying clemency to the extent to which some Honourable Members seem to suppose that our humanity should go. I do not mean to say that Government have interposed, or will interpose, with respect to any individual case, in which judgment will have been pronounced in the colony. I have merely stated, that we have given a general opinion with regard to executions in those cases; but as to any cases that may occur, the influence of that opinion must depend, first, upon the facts connected with such individual case, and, next, upon the state of the province at the time.

SIR ROBERT PEEL.—But I must say, that, if anything more than another could tend to diminish the value of the prerogative, and the exercise of mercy, it is for the House of Commons to be thus discussing to what extent it ought to be carried, upon the finding of sentences against those whose crimes we do not yet know, and of whose guilt we are as yet without any proofs upon which we can exercise any certain judgment. I suppose that Honourable Members will not go so far as to move that the murderers of that gentleman who, having been captured, was shot to death in cold blood, by a party of the insurgent volunteers, in an early period of these transactions,—should not, in their turn, be subjected to the penalty of their crime. An Honourable and Learned Gentleman, who spoke after the Member for Lambeth (out of whose question to the Noble Lord this discussion has originated), made no exceptions. He expressed his hope that "no blood would be shed in consequence of what has occurred in Canada." I think the Honourable Gentleman must acknowledge that it has been demonstrated to him to what absurd lengths that principle must carry him. I can only say, that I agree with others who have spoken on this subject, as to the necessity of our avoiding, as a general principle, all excessive and over-strained penalties or punishments. But I am not the less certain that violent and aggressive crimes you must violently and strenuously restrain. But I think we shall greatly injure the character and influence of this principle, by prolonging a discussion of this sort; upon the course which ought to be taken in respect of judgments that may be pronounced upon delinquents, of whose crimes we are, as yet, entirely ignorant.

Mr. CHARLES BULLER.—Perhaps it is scarcely necessary to say,—but after what the Right Honourable Baronet has stated, I am really unwilling to be misunderstood,—that my observations applied to political offences only.

An HONOURABLE MEMBER.—I wish to ask whether or not any communication has been received from the Earl of Gosford, intimating that that Noble Lord has resigned his functions as Governor General of Lower Canada? I cannot find in these papers any official despatch from him subsequent to that in which her Majesty's Government intimate to Lord Gosford her Majesty's acceptance of his resignation of his appointment.

LORD JOHN RUSSELL.—Despatches have been received from Lord Gosford since the commencement of the insurrection. The proper instructions have been issued by my Noble Friend at the head of the Colonial Department (Lord Glenelg) to relieve the Earl of Gosford from the functions of Governor General; and I should suppose that after receiving them, he would immediately leave the colony. But no intelligence of his departure has yet reached us.

NOVA SCOTIA.

Mr. HUME.—I have been desirous of putting on record some motions for papers which, however, have been refused to me. I will now move for others, to which I believe there is no objection. I move, then, for an address for copies or extracts of any correspondence received from Nova Scotia, New Brunswick, Prince Edward's Island, and Newfoundland, relative to the constitution of the Legislative and Executive Councils, or to their being made elective, or to any change that has been required by any branch of the legislature of those colonies, to be made to the said councils, within the last eight years; also to any change that has been made made, or directed to be made, in them, or in any mode of appointing new members of the said councils.

Ordered accordingly.

LOWER CANADA GOVERNMENT BILL,

"To make temporary provision for the Government of Lower Canada."

This Bill was brought up and presented by Lord John Russell; read a first time; ordered to be read a second time on Monday next, and to be printed.

J. A. ROEBUCK.

Mr. GROTE.—I believe, Sir, I am now in order in claiming the attention of the House to this petition, which is the petition of John Arthur Roebuck, Esq., who was appointed in the month of February, 1835, agent to the House of Assembly of Lower Canada. This petitioner states that he has heard that a Bill is now before your Honourable House having for its object to suspend the functions of the said House of Assembly; and he prays that in conformity with the usages of your Honourable House, he may be allowed to appear at your bar, to show reasons why the said Bill, which he characterises as a measure of impolicy and injustice, should not pass into a law. Now, Sir, I find upon the Journals of this House an entry, in the year 1791, the matter of which bears so strong an analogy to that of the present application, that I am tempted to believe the House will immediately perceive the reasonableness and justice of granting the prayer of this petition. I find, by this entry, that in the year 1791, when the Act was passed, establishing the constitution of Canada, a Mr. Adam Limburner (a gentleman who seems, by a singular coincidence, to have been "agent for Quebec," and for various other parties), connected with Lower Canada, applied for leave to be heard at the bar against the then pending Bill. It appears that the petition from Mr. Limburner was read. His application was acceded to. On the 21st of March of the same year, other two petitions, the one from a Mr. James Finn, the other from a Mr. Alexander Ellis, merchants trading to Quebec, were read, and the prayers of these were to the same effect as that of the petition of Limburner; and it was accordingly ordered "that said petitioners be allowed to be heard at the bar by counsel, or by themselves if they shall so think fit." On the 23d of the same month, it is stated, when the report was made, "That after the said counsel had been heard at the bar, then the said Limburner was heard," &c.

Honourable Gentlemen will bear in mind, that the Bill against which these parties were thus permitted to be heard, was that very measure by which the now existing constitution of Canada was established, though not precisely in a similar stage to that which has been yet attained by the Bill the Noble Lord has this evening introduced to us. I do trust, therefore, that the House will see that this precedent is strictly in point, both as relates to the character or capacity of the present petitioner, and to the interests to which his petition relates,—the interests of that identical province, the constitution of which is so seriously endangered by the Bill of the Noble Secretary of State for the Home Department. I will also entreat the House to remember that, in the speech delivered last night by that Noble Lord on this subject, the main stress of his argument was laid upon the point which he assumed,—that the House of Assembly of Lower Canada was deficient in those qualities, or properties, which were essential to a due performance of its duties towards that colony itself, and towards the mother country.

This was one of the two main points which the Noble Lord undertook in that speech to establish. In my very short reply to his very long speech, I contended that the House of Assembly, placed as it had been in circumstances of very peculiar difficulty, was here most harshly dealt with, in regard to its defence, because there were no Gentlemen present on these benches, who either understood all the essential details of the conduct of that assembly, or were capable of meeting, without previous notice, any specific charges which might be brought against them. The general importance of the affairs of the colony, in a matter bearing so hardly and so closely upon a large body of persons in either province, will, I trust, make the House sensible that there exists the strongest possible necessity for hearing the case of the House of Assembly of Lower Canada, as fully and fairly stated on the one side as it has been ably and amply discussed on the other. Now I do think, that when a gentleman comes so armed with authority from the House of Assembly to act as its agent, as the petitioner is,—so fully competent and prepared, in all respects, to state the case of that body, from his previous knowledge of all the details and circumstances connected with it,—and so able, from his previous treatment of this subject, to answer the charges which have been brought against those whom he asks leave to represent at that bar, — I do think, I say, that this House will not be doing fair and equal justice if it shall now refuse to hear him, as prayed, and thus to give him the opportunity of vindicating those interests which have been confided to his charge and advocacy.

I submit, moreover, that this course of proceeding will be as much in consonance, as I have shown, with precedents that have occurred in the known practice of this House upon the hearing of petitions, as it will be consistent with the claims of strict justice and equity. In conclusion, I would observe, that if this House should decline, under the circumstances I have brought before it, to hear this accredited agent of the House of Assembly, I fear that its refusal would carry with it an appearance of rigour and harshness, if not of injustice, towards the Colonial Legislature, which I do not believe it to be the wish of any Gentleman, on either side, to assume. With your permission, Mr. Speaker, I will now propose to bring up this petition; and if the House should be pleased to comply with its prayer, I will then move that a day be named on which the petititioner shall be heard at the bar.

Mr. WAKLEY. — As I cannot anticipate, after the precedent which has been cited to us by my Honourable Friend the Member for London, the slightest objection on the part of this House to our hearing at the bar a gentleman so eminently qualified to do justice to the important prayer of this important petition as the late Honourable and Learned Member for Bath, who is the petitioner in this case, — I think we ought, now, at once, to decide when Mr. Roebuck should be heard. The question we have now to determine is, as to the day on which this hearing shall be given him? Sir, I think that it should certainly be a day anterior to the second reading of this Bill. Seeing that the principle of a Bill is held to be affirmed by its passing through a second reading, I am of opinion that it would be a positive injustice to postpone this hearing until the petitioner will incur the risk of being, in fact, concluded by the second reading of a Bill, the very principle of which is that which he desires to show cause against. I would recommend that the agent of the House of Assembly of Lower Canada be called in and heard at the bar, in support of his petition, on Monday next.

Mr. WARBURTON. — I beg to remind the House, that in the precedent which my Honourable Friend the Member for London has quoted, the complaint of the petitioners was against certain clauses of the Bill, which they desired to be heard against; and that determined, apparently, the stage at which they were to be heard. The counsel therefore might, without unfairness, be heard — as it was intended that they should be heard — on the bringing up of the Report. But here, I apprehend, the case is different. The principle of the Bill will be decided upon by the second reading; and therefore the opposition to be offered by the parties concerned, through their agent, being clearly to the principle, the proper course, (and it is a course conformable, as we have heard, with precedents,) will be to let the petitioner be heard at the bar before the second reading.

LORD JOHN RUSSELL. — It appears to me, without desiring to be understood as giving any decided opinion on such a question as that involved in the prayer of this petition, that it ought to be printed, so that we may take it into consideration on a future day. This petition has been presented by my Honourable Friend the Member for London, at a very late hour, although, I have no doubt, that was matter of necessity upon my Honourable Friend, who, I think, could find no opportunity for its presentation at an earlier hour of the evening. I consider, however, that the House ought to take time to look into the precedents bearing on this application. It ought also to consider, in the first place, whether this petitioner ought to be heard at the bar; and, in the second, if heard, — in what capacity or character? — whether as agent for the Canadas, duly authorised, or not?

Mr. GROTE. — He has been regularly appointed agent for the House of Assembly of Lower Canada.

LORD JOHN RUSSELL. — I do not mean to go into that question, now; nor will I give an opinion on the point it raises. But I will just observe, that there were instructions, indeed, sent out to Canada by the Secretary of State in this country, for the introduction of a Bill, in virtue of which the House of Assembly, with the consent and concurrence of the Legislative Council, and of the governor, were to appoint an agent to represent them in England. But I believe that no such Bill was ever passed. If the House should be of opinion that Mr. Roebuck should be heard against the Bill, at the bar, I, of course, can have no objection, — even before the second reading, I have none. But I am disposed to think that the House should have time, in a case of this sort, to look into the precedents, and to ascertain in what character the petitioner really comes before it?

Mr. GROTE.—I am in no condition to ask for an immediate discussion on a question of which no notice has been given. All that I am anxious for, in this case, is, that Mr. Roebuck should have the opportunity afforded to him of being heard before the second reading of the Bill. In that case, I care not when I give my notice, —whether now or on Monday.

Mr. WARBURTON.—As to the question of the character in which Mr. Roebuck would appear at the bar, I apprehend that this gentleman has already, by the highest authority you have to represent you in Canada, namely, by the Governor, Lord Gosford, been recognised in public Acts, as the agent for Canada. But he is also the paid agent, we know, of the House of Assembly, for whom he appears.

LORD JOHN RUSSELL.—I have already said that I have no sort of objection, on my own part, to hear Mr. Roebuck before the second reading. But I should rather say, that it would be according to usage to hear on the second reading.

SIR ROBERT PEEL.—I think that the question of the capacity or character in which Mr. Roebuck shall be considered to appear, is matter of very subordinate importance, compared with the question whether we should hear this gentleman on behalf of the House of Assembly of Lower Canada? My own opinion is, that, considering the very extraordinary nature of the whole of our proceedings on this great question — that we are about to suspend the constitution of a great colony, — we ought not, under the circumstances, to debar this gentleman from appearing, as prayed. The extreme proceeding which we are about to adopt, much as I deplore it, is, I think, justified by the stern necessity of the case: but for that reason, I think, too, we should afford the petitioner the opportunity of distinctly stating the grounds on which he would desire us not to pass this measure. As to the question of the capacity he appears in, that is one which may be easily settled. I am sure, at the same time, that we ought to proceed with as much deliberation in the matter as, with reference to the time within which the Government are anxious to carry their Bill through Parliament — may be practicable, after the party shall have stated his case.

LORD JOHN RUSSELL. — I hope my Honourable Friend the Member for London will give his notice for the earliest day, so that no unnecessary delay, by reason of this application of Mr. Roebuck, may be interposed to the passage of the Bill through Parliament.

Mr. GROTE. — Certainly. I will give notice for Monday next. (Notice given accordingly, for Monday, 22d January instant, to move — "That John Arthur Roebuck, Esquire, agent of the House of Assembly in Lower Canada, be heard at the bar of the House against the Bill for making temporary provision for the government of Lower Canada, pursuant to the prayer of his petition.")

Said petition of John Arthur Roebuck, Esquire, agent of the House of Assembly of Lower Canada, praying to be heard against the Bill, to lie on the table, and to be printed.

PAPERS, &c.

Danish Claims. — On the motion of Mr. R. STEUART, copy ordered— "of a minute of the Board of Treasury, dated 19th December, 1837, upon the subject of Danish claims."

Copy presented accordingly; to lie on the Table.

Adjourned at a quarter after one o'clock, till Monday next.

HOUSE OF LORDS, JOVIS, 18° DIE JANUARII, 1837.

APPEALS.

Hunter *v.* Home (cross Appeal to Home *v.* Pringle). — Presented.

Smellie (pauper) *v.* Miller.—Petition of the respondents to dismiss Appeal as incompetent.

Dunlop *v.* Lambert. — Petition of the respondent for leave to lodge cases.

M'Craw *v.* Cunningham; Hill *v.* Cunningham — Petition of the respondent, Charles Cunningham, to enforce payment of costs.

Severally read, and referred to the Appeal Committee.

RANDOLPH'S ESTATE.

Judges' report received, and Bill read a first time.

Several Lords took the oaths.

CAMOYS BARONY.

Petition of Thomas Stonor, of Stonor, in the county of Oxford, Esquire, to her Majesty, to determine the abeyance of this barony in his favour.—Presented, by her Majesty's command, together with the report of the Attorney General thereon.—Read, and referred to the Committee for Privileges to consider and report.

DUCHESS OF KENT'S ANNUITY BILL.

VISCOUNT MELBOURNE. — I beg to move the Order of the Day for the second reading of the Duchess of Kent's Annuity Bill. I hope, whatever opposition may be offered to this measure, that it will not be made this evening, — with the understanding that, on going into committee on the Bill, the discussion, if any, shall take place.

LORD BROUGHAM. — I, for one, do not object to that course.

The Bill was then read a second time.

CANADA.

LORD ELLENBOROUGH. — It was with a great deal of surprise that I saw by the printed minutes of proceedings that the House had adjourned to this evening, as, on Tuesday, I certainly understood that the Noble Baron opposite (Lord Glenelg) would lay those papers for which I have asked, on the Table of the House yesterday night. That would have been the better course, because the production of papers at the very moment we are about to enter on the subject of them can hardly be of any advantage.

LORD GLENELG. — I promised that the address and other papers should be printed for the information of your Lordships, and I believe that they have been printed and distributed at the doors of the House this afternoon. I recollect that the Noble Baron inquired whether a statement could be given of the dates at which the despatches already laid before the House were received, and that the Noble Baron said it was usual to print the dates on which papers are received. But, on making inquiry, I have found that such is not the usual practice. Nevertheless, I have ordered the dates to be printed.

LORD ELLENBOROUGH.—I wish to ask the Noble Baron, whether there is any document to show that he has performed the promise made to Lord Gosford in the despatch dated the 20th of November, 1836, to explain the course which the Government intend to pursue in reference to Lower Canada? Is there any despatch between that date and the 11th of March, 1837?

LORD GLENELG. — The papers presented in 1836 were presented with a view to the Session of 1837. Since the despatch referred to by the Noble Baron, two others have certainly been received; but they are of a private and confidential nature, and I do not think that they can be laid before the House.

LORD ELLENBOROUGH. — I will not press further for the despatch or despatches in question. I think, however, that although it might have been inconvenient to produce those despatches before the insurrection, such an excuse can hardly be urged, now.

On the Order of the Day for an address to her Majesty, relative to the affairs of Canada, being read, —

LORD GLENELG said: — In rising, according to the notice which I have given, to move that an humble address be presented to her Majesty in relation to the affairs of Canada, I feel myself called on, in the first place, to state that the address is of a general character, expressing the regret of this House at the state of affairs in Canada, and pledging the House to support such measures as the Government shall think fit to adopt in order to maintain the integrity of the empire; and I flatter myself that it will find a ready acceptance with your Lordships. I shall now take the liberty of reading the terms of the address.

"That an humble address be presented to her Majesty, to thank her Majesty for her gracious communication of papers relating to the affairs of Canada; to assure her Majesty that the anxious consideration of this House shall be given to the preparation of such measures as the present exigency may require; to express to her Majesty our deep concern that a disaffected party in Canada should have had recourse to open violence and rebellion, with a view to throw off their allegiance to the Crown; to declare to her Majesty our satisfaction that these designs have been opposed no less by her Majesty's loyal subjects in North America than by her Majesty's forces; and to assure her Majesty, that while this House is ever ready to afford redress to real grievances, we are fully determined to support the efforts of her Majesty for the suppression of revolt and the restoration of tranquillity."

My Lords, in submitting this address to your Lordships, I trust that you will permit me to make a few observations upon the subject to which it relates. I think that, with respect to that address, your Lordships will regard the subject as one of considerable and deep importance, and one that is very interesting in relation to, and as affecting, the interests and prosperity of the empire. I deem it right, my Lords, on the part of the Government, to request your patient indulgence while I offer to you those observations which I shall feel it to be my duty to make; because I do not think it possible to present to your Lordships a just view of the measure which we propose, or of the policy which the Government has acted upon, without trespassing, for some time, upon your Lordships, — I hope not a long time,— certainly not a longer time than the importance of the subject demands. In trespassing upon your time, it is not necessary for me to recal your attention to the entire history of the disputes in Canada — at least, it is not necessary for me to recal that attention to the earlier stage of these disputes. But it is necessary, to place our policy in its proper light, to request your Lordships to recur to that period of them, coinciding with the time at which the present Government came into the administration of affairs. When this Government came into office, the most difficult question presented to their attention was, the question relating to Canada. Her difficulties were not the consequence of accidental or temporary circumstances. No; but the causes of these difficulties were deep-rooted. They were interwoven with the framework of society there,—they could be traced to the nature of the government, and to the nature and situation of the British North American colonies in general. That great portion of territory, added to our dominions by the peace of 1761, and divided into two provinces, Upper and Lower Canada, presented, at that time, an aspect of exceeding difficulty and of very great anxiety. With respect to the province of Upper Canada, it was found to be well populated, powerful, and rapidly advancing in prosperity; but throughout that province, a great degree of discontent and animosity prevailed with reference to the province of Lower Canada, and more particularly, with regard to the situation in which the Upper Canadians found their commercial interests to be placed. Their province — I might almost say their nation — has the disadvantage of being surrounded, on all sides, by other nations, and can have no intercourse with the ocean except through the United States, or by the river St. Lawrence; so that all the interests of the commerce of Upper Canada were under the control either of a foreign legislature, or of a legislature, not foreign, indeed, but considerably distinct from the people of Upper Canada in habits, in manners, and in its views of political principles. The province of Lower Canada was, therefore, looked upon and regarded with jealousy by Upper Canada on this account; and the pressure, in this respect, was so felt, that various plans were devised to meet the difficulty and to escape from it. It is only necessary for me to say, that one of the plans suggested was to effect a negotiation with the United States, in order to obtain a communication with the sea; and that another plan was to annex Montreal to Upper Canada, and thereby give it that participation in the navigation of the river St. Lawrence which her commercial interests demanded. At the same period, in Upper Canada, considerable internal anxiety prevailed. The House of Assembly in that province was then about entering into a race of rivalry with the House of Assembly in Lower Canada in some of the great topics which agitated the latter assembly.

But there were causes of still deeper anxiety in existence, with regard to Lower Canada, than attached to the other; and the principal of all those causes, and which, if not the origin of the disturbances, at least gave them great force and energy, that principal cause was the division of the two races forming the population of that province,—a division which neither circumstances nor time had subdued or mellowed, but which had matured that animosity, and had embittered and made it more decisive and more marked by various events in their political institutions. In that colony it was not the wealth but the numbers alone of the constituency which had the power of determining in what mode the elective franchise was to be exercised in the colony. The consequence of this was the remarkable result that a numerical majority of 400,000 principal electors returned the far greater majority of the members of the House of Assembly; and thus one of those races of people predominated in the assembly, while the other race was almost entirely, and in practice completely, excluded from it. Now, those individuals who were thus returned to the House of Assembly by a numerical majority, and who controlled the assembly, were of that class or race who were still attached to the obsolete notions of former times,—such as prevailed when that colony was under the dominion of France—they were of that class who were unfriendly to commercial enterprise, and not very friendly to the pursuits which characterise the English race. The leaders of the House of Assembly so chosen, commanding the majority of it, and with very little responsibility to their constituents, who, though an amiable and a virtuous people, were ignorant, and but little fitted to appreciate the excellence of the constitution bestowed upon them, and therefore were ready to be deluded and led away by ambitious and designing men—these leaders of the Assembly, being attached to these obsolete prejudices, had the advantage of fighting with the weapons of a popular institution; and thus it happened that the parties who were against improvement had the support of a popular institution, and that those who were favourable to actual improvement, who had wealth and activity, but not numerical strength on their side, were compelled to resort to what might be termed the aristocratic party in the constitution. Thus it was that the two parties were using weapons but ill adapted to their respective views and feelings. Hence it was that, on the one hand, by the supporters of what might be said to be the oligarchy and hostile to improvement, the rights and privileges of free institutions were pushed to the extreme; and, on the other hand, the privileges used, not to promote, but to retard improvement, were pushed to the extreme by the parties most friendly to improvement. This state of things is a most extraordinary circumstance in the history of the Canadian people. These distinctions were much aggravated by the difference between the two races in manners, in religion, in language, and in general views of political principles; and notwithstanding the advantages which were thus given to the one race,—those of popular institutions,—the aspiring activity and energy of the other race sought means to gain an ascendancy over those advantages. The English portion of the population had obtained possession of all the foreign commerce; they were in possession, also, of some of the larger portions of the property of the country, upon which the *habitans* lived; and thus the illusion of a great Canadian republic with which the leaders had flattered themselves was every day fading from their view: but such being the contest between the two races,—such being their hopes and fears,—it could not fail to produce considerable animosity; and preparations were made on both sides to assert, by every effort and by every constitutional means in their power, that ascendancy which the one race desired to maintain, and which the other wished to acquire. The constitution which had been given to them in 1791 (at least, in the earlier years of the history of that constitution) might be said not to have been administered with advantage to the Canadian people. The Executive Government took part with one race, the English race, instead of being, as it ought to have been, the umpire and the mediator between both. All the honours and emoluments flowed in that channel, and were bestowed upon the English; and thus the friends of popular institutions became severed from the honours and rewards which the Executive Government had the power to bestow.

The House of Assembly, at that time, not being able to appreciate the value of the gift it had obtained, in the constitution conferred upon the colony,—the Executive Government usurped, practically, the functions of that Assembly. The money of the State was in the hands of the Crown, or rather of the Executive Government; and hence it followed that abuses crept in, and to such an extent, that many of the English race united their interests with those of the French, in order to obtain redress. The French, in connection with many of the English Canadians, had now the advantage of urging their claims upon the ground of real existing abuses. Of these, redress was afforded in 1828, when the subject was first brought before Parliament by Mr. Huskisson. The recommendations of the committee of that year were carried into effect by my Noble Friend opposite, so far as the influence and power of the Crown could do so; and the result was, that the sensible portion of the French part of the population quitted the ranks of the agitators, and supported the Government; and also that the English, who had supported the French, likewise gave their support to the Government. But this was found not to be the mode to satisfy the leaders of the discontented party. They felt that the concession of reforms was hostile to their purposes; they believed that reform, and the redress of grievances, had not been obtained from the Crown and the Imperial Parliament from a sense of justice—(as, really, they were)—but from fear and timidity, and they hoped to obtain the ascendancy they desired, by preferring fresh grievances, when real ones, and the pretences for them, had been swept away; and thus the only reward my Noble Friend received for his assiduous exertions, was the applause with which the agitators were received by the House of Assembly, and the determined resistance of that House to the efforts my Noble Friend had made to bring about the change. At last, having advanced other grievances, the House of Assembly openly avowed that it took its stand upon demands which, in truth, involved the surrender of the sovereignty of the colony to the French party: they demanded that the Executive Council should be elective; that the control of the revenues of the Crown, and of the Executive Government, should be made dependent upon the House of Assembly, and that the officers of the Government should be responsible to that Assembly. These were the demands openly urged by the House of Assembly, and to those demands, of course, the English party were opposed, because they saw in the success of those demands, the proscription of their own race. Such was the condition of the minds of men in Lower Canada, at the time when the present Government entered upon the consideration of these circumstances; and at the same period in the adjoining provinces there was room for considerable anxiety. To Upper Canada I allude:—there, and in Nova Scotia, and in New Brunswick, there was some degree of agitation; at any rate the agitators of Lower Canada took the liberty of claiming—thought they were entitled to claim, and they did claim for themselves—a fellow-feeling towards them on the part of those provinces. Most falsely and most unjustly, as I believe, did they make that claim; still they did make it, and that circumstance proved that some degree of agitation existed in those lower provinces, well calculated to excite the attention of the Government.

These were the difficulties in which the present Government were placed, when they were first called upon to examine this subject; and the question arose, how—or what was the best course by which—those difficulties were to be met? I know it is said that the course was very simple,—that we ought to have taken either one line or the other; and that, as the Government took neither, the consequence is, that we are involved in our present difficulties. Now, it is very easy, after a result has been ascertained, to be prophetic of an issue, and to name the line of conduct which ought to have been pursued. But what were the two lines of which the Government are now told that we ought to have made a choice? One line was to support the pretensions of the French party,—that was, in a word, to accede to the proposition to which I have already adverted; and the result of following that line was very clear and simple (putting aside for the present the question of the surrender of the British sovereignty)—namely, that it would have worked great injustice to the British people then resident in Lower Canada. Would the adoption of that line have been justice to them? Justice is the principle upon which the Government have felt themselves bound to act, and if they had once acceded to the demands of the French, the result would have been extremely injurious to the British race, who formed part of that population. Would that course have been sanctioned in this country, by the Parliament or the nation? Would it have been supported or approved by the colonists in other provinces of North America? and, above all, would that line of conduct have been tolerated by those so deeply involved in its consequences? I will venture to assert, that the result would have been to involve the Government in the calamities to which they have now been brought, and that, too, under more unfavourable circumstances than those in which they are at present placed. That course of conduct, if it had been adopted, would have called upon the Government to support the French party against the subjects of this country in Lower Canada. But there was another line which certainly the Government might have pursued — that of taking part with the English party. The Government might have removed the House of Assembly, as proposed by the English party, and might have framed a new form of representation, which still would have given the ascendancy to them. That course, however, could not have been sanctioned by any views of justice; it would have brought about the same difficulties as now exist, — with the difference, that it would have involved this country with the whole French population, and we should have had to contend against the feelings of justice in the minds of our fellow-colonists in North America, and of the world in general.

The only course, therefore, which I conceive the Government could possibly pursue was, the course of justice and moderation, — not to act as the partisan of either, but as the mediator between both parties; that was, to take a line of justice, of conciliation, and of moderation — a line, it is true, that is always open to severe censure on the part of those holding extreme opinions on both sides; but, after all, it is the only true course, and the only one that is likely to lead to ultimate success. That line, I venture to say, is that which the Government adopted; and its results were, the redress of admitted grievances, and the investigation of alleged abuses. It was on this principle the Government proceeded, and, I believe, this was also the principle followed by preceding Administrations; for I do not seek to take credit to the present Government as being the first to adopt that principle. In short, it was the only true course left them to pursue. In accordance, then, with that policy, Lord Gosford was appointed to carry into effect the intentions of the Government in the actual redress of admitted abuses that might be ascertained, and, further, to inquire into grievances alleged to exist. The endeavours of Lord Gosford in this respect were met by the House of Assembly in that province by conduct which I will not characterise: it is enough to observe, that it was not calculated to maintain that spirit of friendship, conciliation, and moderation between the contending parties, which it was the object of the Government to promote, and of Lord Gosford to extend. The truth is, that the leaders of the French Assembly, whom Lord Gosford was called upon to address, were not disposed to acquiesce in any propositions short of those to which I have alluded, as involving the surrender of the British sovereignty in the colony; and, after repeated efforts, and repeated failures of those efforts, the case was referred to the Imperial Parliament, and last Session Parliament pronounced its decision. But even after that decision was pronounced, it was resolved to give the House of Assembly an opportunity to retrace its steps, and there were some moderate persons anxious to adjust the differences. Other counsels were allowed to prevail, the attempt failed, and the Assembly separated in August last, taking its position upon those definitive demands to which I have already adverted.

Such was the state of things, and such were the results of the efforts which had been made. At this moment I need not assert, because it is sufficiently notorious from the papers before the House, that in one part of the province there is absolute resistance to the arms of the Sovereign. There are circumstances favourable to us at this time, which at other periods did not exist. I say this, notwithstanding the calamity which has occurred in Lower Canada. Deeply as I lament those results, still I am bound to observe, that there are matters which, within the last two or three years, have occurred in the neighbouring provinces of no small moment. The result of Lord Gosford's mission has been at least productive of one effect upon the feelings of a great portion of the French population of Lower Canada. A few years ago, many individuals who are now scattered through various parts of the province, or resident in Quebec, were allied to the interests of the leaders on the other side; but they, having now observed the course of the Government, and having seen the intention of the Government to deal fairly with the province, have quitted the ranks of the agitators, and are at present supporting the Government. The consequence is, that the feelings which once spread over a large extent of the provinces are now confined to the city of Montreal; and that in Quebec tranquillity and contentment prevail. With respect to the other provinces, I beg to observe, that a different spirit from that of Lower Canada animates them also, and I need only refer to the statements from Upper Canada to prove that the people are loyal and attached to the parent country. In Nova Scotia and New Brunswick, the same feeling animates the whole of the population, for the governors of those provinces concur in stating, that it is impossible to exceed the enthusiasm with which the people are ready to give their support to the connection with Great Britain, and to the rights of the Sovereign in that country. Now these circumstances are of no small moment when England is in a state of such difficulty and embarrassment in respect to Lower Canada. With respect to the insurrection—the revolt which has broken out in Lower Canada,—I know it has been said that the Government have shown a want of precaution in not looking forward to that event. It has been said, that a greater supply of forces ought to have, last summer, been furnished, as it might naturally have been expected that some commotion would take place when the resolutions of last Session were known in the colony. With regard to the want of precaution in that respect, I have to state, in allusion to the question asked by the Noble Baron opposite (Lord Ellenborough), in reference to a despatch in answer to the letter of November, 1836, although one of them is confidential, and I am not at liberty to produce it, still I am allowed to state, that I fulfilled the promise given in the previous despatch, and I expressly referred to the possibility, I will not say probability, that the arrival of the resolutions of last Session might tend to some local excitement and commotion; and in that despatch I pressed upon the governor to communicate with Sir John Colborne to make preparations in case such a thing should happen, not, however, feeling any serious alarm, or that the disturbances would be more than local.

LORD BROUGHAM.—What is the date of that?

LORD GLENELG.—February, 1837. That letter referred to a letter from Lord Gosford, transmitting an account of the meeting of the House of Assembly, and its address on its separation. After that fact, it became necessary that I should consult my colleagues, in order to consider what measures the Government ought to take in respect of the whole Canada question. No time was lost in maturing those measures, and in communicating them to Lord Gosford. But the charge of the insufficiency of the force in Lower Canada proceeds on the assumption of its having proved inadequate. Now I beg to deny that this fact is at all established. There is, certainly, no proof of it, and as far as accounts have reached us, it appears that the forces in Lower Canada were adequate, in a great degree, to suppress the insurrection that had taken place. However I may be inclined to defer to opinions of persons of weight and authority, I must still claim for the Government the benefit of the actual state of things in Lower Canada. But, independently of that circumstance, it may be observed, that it appears in the papers now lying on the table, that in March last the Government here announced to Lord Gosford their intention of sending out two regiments more; but, shortly afterwards, it was also announced to him, that the intention had been relinquished, from such a step having been thought unnecessary. The same despatch, however, distinctly expressed an authority for Lord Gosford to apply to the Governor of Nova Scotia for any force he might require; and a letter was, at the same time, addressed to the Governor of Nova Scotia, desiring him to comply with any such requisition on the part of Lord Gosford. The question was this: whether, instead of sending forces direct to Canada, they should be drawn from the adjacent provinces, knowing that it was easier by this means to supply Canada with sufficient force? But I again deny the fact of the inadequacy of the forces, and I am confirmed in this view by the authorities in Lower Canada. I do not wish to throw off from myself my responsibility, but, at the same time, I do not conceive it to be any inculpation of those authorities, that they might have had additional force; but not thinking it necessary, they did not avail themselves of the power. At the period of March, there was an express delegation of authority to Lord Gosford; but he, after a communication with Sir John Colborne,—a military man of proper capacity to judge,—did not think it necessary to exercise it. Three months afterwards, however, he did so, to the extent of ordering one regiment from Nova Scotia, more not being thought requisite. Late in November, he requested a larger force, and, no doubt, in doing this, he was actuated only by a sense of its necessity. I think Lord

Gosford did not act in a culpable manner by thus delaying the calling for fresh troops, but on a sound judgment of their not being wanted. But, believing this, I must add, that, distressing as the late events in Canada have been, it is some consolation to think that the result, in one respect, has been satisfactory; I mean in showing how completely we might rely on the affection and the support of the British colonists. I think nothing would have been more blameable than to have despatched an overwhelming military force with those resolutions which were passed during the last Session. Had that been done, it would have told the world that we thought those resolutions would excite jealousy among the colonists, and we could not, therefore, venture to communicate them without accompanying them with an overwhelming military force. It would have placed us in a false position (to use a vulgarism) in the eyes of the world, and tended to persuade them that our colonial government was unstable, and rested only on military power. This notion might have been at last dissolved, and it appears that, at this moment, whatever may be the discontent of the colonists, the great security of the British colonial empire rests on the allegiance and fidelity of our fellow countrymen in our colonial possessions.

I cannot pass from this part of the subject without expressing my utmost satisfaction at the manner in which Lord Gosford and Sir J. Colborne have conducted themselves throughout the painful circumstances in which they have been placed. Lord Gosford has been exposed to many censures; but he has been placed in a difficult and critical position, and has conducted himself throughout with judgment, calmness, and conciliation. He may have incurred the censure of both parties from his disposition to adopt moderate measures, but his conduct will find justification, and wherever it was necessary he has shown firmness and a determination to support the dignity of the British empire. Of Sir J. Colborne it is superfluous to speak — his character as a military man is too fully established to require any eulogy from me.

Such, then, being the state of affairs in Canada, and the district of Montreal being, as appears by the latest accounts, in a state of insurrection, it becomes your Lordships to consider what measures it is best to pursue. As to the immediate suppression of the revolt, I hope there are means in the power of the local Government (and the latest accounts seem to justify me in this) to bring it to a satisfactory conclusion. But the question arises, what course is to be pursued for the general government of the colony and to secure its future prosperity? At present the actual Government may be said to be in abeyance, and for some years the Legislative Council has been superseded by the conduct of the House of Assembly. It would be idle to think of suppressing the existing Assembly, and of forming a new one; but at the same time it is impossible to leave the country without a Government, and there must be some legislative authority. Provision must therefore be made adequate to the exigency of the crisis. It is, consequently, proposed to do by law what has practically been done by the Assembly itself, and to suspend — for a given period of time — so much of the Constitutional Act of 1791 as relates to the function and constitution of the legislative authority. It is proposed to place the legislative authority in a governor and council for three years, and during that period to direct that the laws passed by that authority shall not be of a permanent character, but of a temporary nature, like the authority itself. It is to be provided, that it shall be competent for her Majesty, at any time prior to the expiration of that period, to restore the original constitution. Such is the temporary constitution which it has been thought expedient to substitute for that which has been practically suspended. This is undoubtedly a severe and arbitrary measure, but it is one that is requisite under the existing circumstances. But it is not enough to provide merely a temporary constitution, without looking forward to the period when tranquillity may be restored. It is right to contemplate the period when the functions of the original constitution may be reassumed. Let it not be imagined that it is inconsistent with this measure to look forward to such a period, so that whilst we are necessarily secure, we may hold in contemplation the intention of returning to a better legislative system.

The question then is, what steps are necessary to be taken to restore tranquillity in Lower Canada, and for the settlement of those questions which have been agitated both in the Upper and Lower province? Upper Canada must of course be taken into the consideration, since the interests of the provinces are so interwoven. The questions which connect them are of such moment and urgency as to require the strictest attention on the part of Government; for instance,— the navigation of the river St. Lawrence, so important for the commerce of Upper

Canada,—their railroads, steam communications, and other subjects common to the two provinces. At the same time, it is essential that the disputes in Lower Canada should be adjusted; and to attain this end various plans have been devised. Amongst others, it has been proposed that the province should be dismembered —that the city and district of Montreal should be annexed to Upper Canada, the necessity of which annexation is much felt there. But this is a project which cannot be entertained, and I do not know that it would tend to reconcile both parties, but only effect a transfer of the feud from Lower to Upper Canada. Another plan, which has been much insisted on, and is a favourite project with some parties in Lower Canada, is a legislative union between the two provinces; but to this plan there are strong objections; for example, the great extent of the country, the different habits of the inhabitants, the inconvenience of the representatives from a distance meeting all together at any one place, and other formidable objections; and, to close all, its not being likely that the Upper province would consent to this connection. A better prospect might be obtained by a federal union: this would have a very considerable effect in adjusting the disputes between the provinces. It would give the Upper province a just influence over those great questions to which I have alluded, and would, I should think, satisfy the inhabitants of that territory. It would, at the same time, by bringing together the natives of the two provinces to discuss measures of mutual interest, induce them to give their attention to subjects of greater importance; it would enlarge and liberalise their views, and raise them above those narrow and local questions which have hitherto divided them. But in this, also, I am not aware that the Upper province acquiesces; and it is, therefore, my Lords, proposed that something analogous should be attempted by the Governor who is selected by her Majesty for the government of Lower Canada. It is proposed that the Governor shall be authorised to invite from the two provinces persons who may be justly supposed to represent the feelings and wishes of the people, and should consult them as to the measures it may be advisable to adopt for the adjustment of Upper and Lower Canada, and to form an arrangement for the common interest of both. If it be asked what advantages are to be gained from this proposal, I shall answer, that in some respects I have touched on them in adverting to a federal union; and, though in a far greater degree, something similar may, I think, be effected. At all events, the Governor may be able to ascertain what opinion the two provinces entertain with respect to the constitution originally given to them, and with respect to those amendments — some amendments being admitted on all hands to be requisite — which it is desirable to effect. It is at the same time probable that he will be able to submit to Parliament measures relating to the adjustment of the existing differences.

The EARL of RIPON. — When is that expected?

LORD GLENELG. — Of course it will be for the Governor to choose the time. The proposal is, that he invite both Legislatures to nominate a certain number of persons.

LORD ELLENBOROUGH. — Supposing the House of Assembly to be suspended, how can that be, then?

LORD GLENELG. — The Legislature of Lower Canada being suspended, it is proposed to endeavour to obtain some persons who will fitly represent the opinions of Lower Canada. The mode suggested is, that the Governor call on the electors of Lower Canada to elect proper persons. There are now five districts in Lower Canada, from which we propose to have these representatives chosen under the present franchise.

LORD BROUGHAM. — By the whole of the present electors?

LORD GLENELG. — By the whole of the present electors. At the same time, a power is to be given to the Governor to determine the best time at which to call for an assembly of the electors. Such, my Lords, are the outlines of the measure which the Government proposes to carry into effect. This latter part, as I have stated, will of course not form an enactment in the Bill; but it is considered to be an essential part of the plan. Having stated, generally, the manner in which the Government are prepared to meet the present emergency, I shall now merely refer to the motion I intend to propose to your Lordships; and I do not think it necesssary to enlarge on that subject, for I cannot but persuade myself that your Lordships will at once accede to it. I now therefore move, "That an humble address be presented to her Majesty, to thank her Majesty for her gracious communication of papers relating to the affairs of Canada: to assure her Majesty that the anxious consideration of the House shall be given to the preparation of such measures as the present exigency may require: to express to her Majesty our deep concern that a disaffected party in Canada should have had recourse to open violence and rebellion, with a view to throw off their allegiance to the Crown: to declare to her Majesty our satisfaction that these designs have been no less opposed by her Majesty's loyal subjects in North America, than by her Majesty's forces; and to assure her Majesty that, while this House is ever ready to afford redress to real grievances, we are fully determined to support the efforts of her Majesty for the suppression of revolt and the restoration of tranquillity."

The Address having been put from the woolsack, —

LORD BROUGHAM said: — My Lords, the part which I had the honour to bear last summer in this House, when the Commons sent up those ill-fated resolutions to which I trace the whole of the present disasters, impels me to present myself thus early, and to obtrude upon your Lordships my sentiments regarding the important question before you. And, my Lords, I wish that, in following my Noble Friend over the ground which he has just trodden, I could confine myself to the space he has travelled over without trespassing upon other more delicate parts of it. But it never seems to have struck him that, when a Minister of the Crown comes to Parliament with a proposition, not merely such as the Address contains, but such as we are warned is to follow swiftly upon the Address, — a demand of extraordinary aid for the Executive Government, — measures of a high prerogative and unconstitutional kind, — it never has struck him that the Minister who resorts to Parliament for the help of its extreme powers, in applying remedies of the last description, has something more to do than merely to ask for those remedies and show their necessity, — that he has to explain whence the necessity arises; to defend the conduct which has led to this crisis in our affairs; to repel from himself and the Ministry whereof he is parcel, the charge of having brought the Colonial Empire, committed to his care, into such a state that we are assembled, at this unwonted season, for the purpose of quelling a rebellion in a principal settlement of the Crown; preventing, if we can, the recurrence of disaffection, and suspending the free constitution of the province, in order to secure its peace. Are these every day occurrences? Are revolt and civil war of such an ordinary aspect that they pass over us like a summer's cloud, and be regarded not? Are the demands of despotic power by the Crown, and the suspension of the whole liberties of the subject, mere matters of course in the conduct of Parliamentary business? Are such demands as these to be granted the instant they are made, — without any question asked, — without one word said upon the antecedent parts of the novel and portentous case, — without any attempt whatever to explain or to defend the maladministration which has terminated in the necessity of those demands, — without even one allusion to the obvious questions, — "Who caused this disastrous state of things? — whose fault is it that such powers are become requisite? — whose misconduct caused the rebellion to burst forth? — whose neglect of all timely precautions fostered discontent till it ripened into disaffection? — whose unpolitic counsels first stirred up that discord, — and whose misapplication of the national resources fanned the disaffection into a flame?" Yet, strange to tell! looking from the beginning to the end of my Noble Friend's statement, distinct and lucid as it was, — to this hour I cannot descry one explanation offered, — one justification attempted — one position taken or defended with the design of protecting himself against the charges which have rung all over the country for weeks, from one end of it to the other, and all pointed against him and his colleagues in the service of the Crown! But, my Lords, I cannot consent so to abandon my duty, as to pass this matter thus over. I feel myself bound to enter upon the subject of these charges at once. I cannot follow the Colonial Minister in the course which he has found it convenient to take, of flying away from the real matter in discussion, or allow him to claim the extraordinary and unconstitutional powers which he asks, as if he were discharging some common duty of mere official routine, — moving for yearly returns, — laying sessional papers before the House, — or calling for a vote to supply the yearly expenses of his department in the ordinary circumstances of tranquil times. There was, indeed, one remark made by him that might seem an exception to the account I have given of his speech. He attempted some defence against the great and leading accusation of having sent over the offensive resolutions, and providing no force to support them. But I shall presently show your Lordships that the explanation he gave made his case much worse; and that he left the charge more grave and formidable, if possible, than he found it.

I will now come to the course of his proceedings at large; and, first of all, to the interval alluded to by the Noble Baron opposite (Lord Ellenborough), when we last met, — the period which elapsed between the despatch of the 20th of November, 1836, promising instructions to the Governor of Canada, and the 11th of March, 1837, the date of the next despatch. It is not true, says the Noble Lord, that near four months elapsed between the promise and the non-performance (for the despatch of March gives no instructions); a small interval only occurred; a letter was written about the middle of February, but it was private, and cannot regularly be produced or even alluded to, says the Noble Lord. A shorter production than that of March, — shorter in point of physical dimensions, for one falling shorter of its purpose there could assuredly not be, — but mathematically smaller ——

LORD GLENELG. — I beg pardon; I did not say a shorter despatch.

LORD BROUGHAM. — Really, then, I must say, this is the most extraordinary mode of selecting papers for the information of the Parliament or the exculpation of the Ministers, that, in my whole life, I ever heard of. The despatch of March, which is of no value whatever, which tells absolutely nothing, is produced; the despatch of July, which may be of some value, and may tell something (I cannot know that it does till I see it), is withheld. Why is it not here with the other? My Noble Friend affirms that it has something in it, — at any rate that it is long, — and he is exceeding wroth with me for curtailing it of its fair proportions. Anxious, like a good parent, for the credit of his offspring, he extols its size, without, however, letting his natural partiality carry him the length of asserting that its value is in proportion to its bulk. Nevertheless, I will, if he pleases, assume it to be so. I will suppose that, instead of containing nothing, like its predecessor of November, and its successor of March, — and, indeed, that long train of phantom letters which followed each other "stretching out to the crack of doom," — it really told the provincial Governor something of the intentions of the Ministry, — something of the course he was to pursue; — then, I ask why we have it not produced, that we, too, may know what that something was which was thus conveyed across the Atlantic, at a critical moment, a year ago? Why are we not to see that which tells something, and only that which tells nothing at all? That is my question; a simple one, and I should think easily to be answered; and, if my Noble Friend will give it an answer, I shall readily pause, in order to be spared the necessity of dwelling longer on this point of the debate, — willing enough, God knows, where there remain so many others which it is impossible to pass over, — that I should be spared the task of dealing with any one which is superfluous. The mysterious description of this letter is to me incomprehensible, as given by my Noble Friend. It was a private one. But what can that signify? Whether a despatch begins, "My Lord," or "My dear Lord," — and ends with "the honour to be," or with "Your's truly," — I had always thought, made no kind of difference in its nature, provided the matter of it was public business. The test of production is the letter relating, or not, to the affairs on which the Parliament has been convoked, and the Sovereign is to be addressed. Nor did I ever yet hear of any Minister refusing to produce a paper, whatever its form might be, which bore that relation, unless, indeed, he had his own reasons for suppressing it. But to refuse it on the pretence of its being private, and yet to use it as a proof that the promise of November was fulfilled in February, while the only papers produced show that it was never fulfilled at all, is one of the most extravagant drafts ever made upon the unsuspecting confidence of Parliament.

It is on the 20th of November, then, that a promise of ample instructions is given to the Governor. The next despatch produced is on the 11th of March; when, instead of fulfilling the promise, now four months old, new promises are made, new hopes of instructions held out, to be realised as soon as the decision of Parliament shall be pronounced upon the case. The promissory letter of November, and the promissory note of February, are, as it were, renewed, but at an uncertain date. When was the decision of Parliament asked? As early as the 6th of March; and after passing some of the principal resolutions, — including indeed the most material of the whole, that refusing an elective council, — the Easter recess comes to the relief of the colonial department, and Parliament is adjourned. But it meets again on the 6th of April, and assuredly neither before nor after the vacation does it testify any great reluctance to comply with the Ministerial desires. From all parts of the country the Members flock to their support against the hapless province which has been denounced. From all parts of the empire the parliamentary host assembles. Does there appear in any quarter a disposition to be over nice about the votes given — over scrupulous as to the principles asserted? Do any of the Ministerial supporters, of that staunch and trusty band to whom the Government is indebted for its majority, betray any squeamishness what measures they shall sanction — what votes they shall give? Is any wish betokened to scrutinise very narrowly the plans or the propositions of the Cabinet before they declare them unexceptionable? On the contrary, so the Ministers leave the concerns of the sister kingdom untouched, and administer its more practical affairs to the taste of its representatives, there is no inclination whatever evinced to make any kind of difficulty about any kind of measure — how violent soever, how coercive soever — that may be propounded for quelling the spirit and completing the misgovernment of any other portion of the whole empire. I confess myself, then, quite unable to comprehend why all this delay of the necessary orders should be made to turn upon the affected ignorance of what course Parliament was likely to take upon resolutions which were sure to be carried through the one House by unexampled majorities — through the other with scarce a single dissentient voice. Yet still not a word is wafted across the ocean more substantial for the guidance of the unhappy Governor than empty promises of orders — notices that some instructions will hereafter be sped towards him. This system, I own, puzzles me not a little. I can well understand the use of notices where there is to be debate and resistance to your propositions. When a question is to arise upon what you propose, that its merits may be discussed, and that its adversaries may be warned to attend the controversy, I can easily conceive the use of giving them intimation; though even then such intimations as the despatches give, specifying no time at all, would be of no great avail. But what sense can there be in giving your servant a general notice of orders to be afterwards issued, when all he has to do must be, not to debate, but to obey? Does he require notice in order to make up his mind to comply? Or is he called upon to consider, in the interval, whether he shall resist, or do as he is bid? And yet the Noble Lord's despatches are stuffed so full of mere notices, that I know of nothing in this respect at all equal to it, unless it be the Order Book of the other House of Parliament on the first day of a Session after a general election! The notice, however, being given, and the promise made in November, in the fulness of time, at the end of April, comes the expected despatch; a six months' child is brought forth — it makes a cry — struggles for life — and is heard of no more. I defy the wit of man to suggest the purpose of the November despatch, or of the March one, which, instead of instruction, conveys merely a report of the divisions in the Commons, as the newspapers would have done with equal, and the original document, the Votes, with greater authority; but still less can any one divine the purpose for which the despatch of April was called into a premature and precarious existence; for, instead of redeeming the oftentimes repeated pledge, by letting the Government know what he was to do, it merely brings down the report of the divisions, and adds, carefully, the yet more useless information of the lists of the Members' names. "The resolutions," says my Noble Friend, "have all been passed by large majorities, and I enclose, for your Lordship's information, extracts from the proceedings of the House, containing a statement of the several divisions which have taken place on this subject since I last addressed you." Then as to the introduction of the Bill itself,—that, it seems, "must be postponed till after the opinion of the House of Lords shall have been taken;" about which there seems to be entertained some doubt, to me, I confess, rather unintelligible, considering that but one voice was at all likely to be raised in this place against any of the resolutions. But the Noble Lord adds, "I have every reason to anticipate that the Bill will be submitted to Parliament within a very short period," and this was written on the 29th of April. Then come promises in abundance. "So soon," says my Noble Friend, "as the resolutions shall have been disposed of by the House of Lords, I shall address to your Lordship full instructions on the steps which should be adopted under existing circumstances, especially with reference to the composition of both the Legislative and Executive Councils. Your Lordship may rely on receiving them in ample time to enable you to prepare for the meeting of the Legislature." Did he rely on receiving them in time? I know not; but if he did, he was grevously deceived. I shall presently show your Lordships that he did not receive them till long after the Parliament had met and been prorogued, and I shall demonstrate that most fatal effects were produced by these instructions not arriving. After adverting to the time of the Colonial Legislature meeting, and stating that the Governor was the best judge of this, the despatch goes on to say, "I shall, however, distinctly advert to this point in connection with the other matters on which I shall have to address your Lordship, and I only refer to it now that you may be aware it will not be overlooked." Really, I can barely admit that this would be the necessary effect on the Governor's mind of such a reference; so many things had been so often referred to, all of which had, in succession, been entirely overlooked, that I am rather apprehensive the reference to this question (which, by the way, it is admitted Lord Gosford alone could decide) frustrated its own object, and was fitted to make him expect that this point of future instruction would be overlooked, like all its predecessors. But another reason is given for the prospective reference — "and in order that your own attention may be directed to it in the mean time." "To it? To what?" exclaims the governor, "for as yet you have told me nothing. How shall I direct my attention, in the mean time, to that of which you withhold from me all knowledge?" The thing seems incredible, and we must keep the eye steadily fixed upon the original document lest unbelief get the mastery of us. "With a view," the despatch proceeds — for there was a view with which Lord Gosford was to keep his attention fixed upon an unknown instruction, to arrive at an uncertain time, he was to ponder upon the question of the time of meeting Parliament, which he alone could solve, directing his attention to the instructions on that subject, to be sent by those who could form no judgment upon it, and in utter ignorance of the purport of those instructions on which he was to be all the while reflecting. And what think you, my Lords, was this view with which he was to attend and reflect? What was the reason why his attention should be fixed upon nothing — why his eyes should be directed to glare upon darkness or vacant space? "With the view," concludes this unparalleled letter, "to the sound exercise of that discretion" — some faint semblance there is here, the approach, at least, of some definite matter, but it vanishes instantly, like all the rest, — "that discretion which it may probably be expedient to leave in your Lordship's hands, with regard to it!" So the Governor is informed that at some future, but uncertain time, he shall be told something of importance, which is carefully concealed from him; the reason, however, is given for warning him that he may expect it, namely, that he may be enabled to occupy the awful interval between reading what tells him nothing, and receiving what is to tell him he knows not what, in making up his mind how he shall act in unknown circumstances, upon undisclosed instructions, and exercise "a sound discretion" upon the undiscovered matter, there being a grave doubt intimated in the same breath, whether or not any discretion at all may ever "be left in his hands." To such orders was Lord Gosford's conduct subject; by such instructions was he to be guided; in such circumstances, and leading to such results, was his discretion to be exercised. My Lords, let us, in justice towards an absent man — let us, in fairness towards one who, because he is absent, is, by the common proverb, so little creditable to human candour, assumed to be in the wrong — pause for a moment, to consider whether one so situated and so treated, even if his conduct had been the most defective, and had the least satisfied his superiors, would justly have been visited with blame, or at least let us say whether the blame must not have been largely shared by his employers? Mark, I beseech you, in what position he is left. Sent to the advanced posts of the empire; at a distance from the seat of government; far removed from the wisdom, the vigour, the resources of those councils which rule our affairs; unprovided with any but the ordinary force of the colony, the force adapted to peaceful times, and with this inadequate force appointed to meet a crisis brought on by his employers — a crisis unparalleled in the affairs of the province, — mark, I say, the helpless position of this noble person, so unaided by adequate resources, so surrounded by extreme perils, and instead of being instructed how he is to act, told by those who first planted him there, then surrounded him with danger, and at the same time refused him help to meet it, that at a future day he shall be informed how he is to comport himself — that for the present he is to know nothing — and that he may be making up his mind by guess-work how he shall act when he may be told what he should do! But, my Lords, I say it is not Lord Gosford, only, whose situation you are to mark and to compassionate. Look to the provinces committed to his care! If you will have dominions in every clime — if you will rule subjects by millions on the opposite sides of the globe — if you will undertake to administer a government that stretches itself over both hemispheres, and boast an empire on which the sun never sets — it is well. Whether this desire be prudent or impolitic for yourselves, I ask not; whether its fruits be auspicious or baneful to our own interests, I stop not to inquire; nor do I raise the question, whether to the distant millions over whom you thus assume dominion, this mighty and remote sceptre be a blessing or a curse. But of one thing I am absolutely certain; at all events this resolution to have so vast an empire imposes upon you the paramount duty of wakefulness over its concerns — it prescribes the condition that you shall be alive to its administration, vigilant at all times, that you shall not slumber over it, neither sleep, nor, like the sluggard, fold the hands to sleep, as if your orders were issued to a district, each corner of which the eye could at each moment command — or a kingdom, the communication with all parts of which is open every day and every hour, and where all the orders you may issue are to be executed in the self-same circumstances in which they were conceived and were framed. That is the condition upon which such mighty empires must be holden — that is the difficulty which exists in the tenure; hard to grapple with — perilous to be possessed of — not wholesome, it may be, either for the colony or the parent state, should they long remain knit together — but at all events the condition, *sine quâ non*, of having to administer such arduous concerns.

But let us, my Lords, resume the history of these transactions. The resolutions were introduced, and in part were adopted by the Commons, on the 6th of March. Parliament having reassembled on the 6th of April, they were not brought before your Lordships till the 9th of May, when you passed them with only my dissenting voice. Now, both Lord Gosford and the Parliament had been assured that the resolutions should be followed up by immediate action, as, indeed, the plainest dictates of all sound policy required, and that the Bill to make them operative should be introduced without delay. Was it so? Was any thing like this done? No. Nothing of the kind. Day after day passed; week after week glided away; and up to the middle of June, when the lamented illness of the Sovereign ended in a demise of the Crown, no one step had been taken to convert the resolutions into a legislative measure. Yet did any man living doubt what the inevitable effect of these resolutions must be? They were not conciliatory — they were any thing but conciliatory. They were coercive, they meant refusal, they meant repression, or they meant nothing. They imported a repulsive denial of the Canadian's prayers — a peremptory negative to his long-pressed claims — an inexorable refusal of his dearly cherished desires. This might be quite right and necessary. I don't now argue that question — but at any rate it was harsh and repulsive. Nor was there the least accompaniment of kindness, — the smallest infusion of tenderness, to sweeten the cup which we commended to his lips. His anxious wish was for an Elective Council. This was strongly, unequivocally, universally expressed. Far from relaxing, the feeling had grown more intense; far from losing influence, it had spread more widely year by year. Instead of being expressed by majorities in the Assembly, of two to one, of the people there represented, after the last dissolution that had increased in the proportion of fourteen to one, the representatives of 477,000 against those of 34,000 only. Never let this fact for an instant pass from the recollection of your Lordships: it lies at the root of the whole argument, and should govern our judgment on every part of the case. It is a fact, which cannot be denied, and it indicates a posture of affairs which all attempts to change [must be vain. How were the resolutions formed to meet this state of the public mind? How did the Parliament, the reformed Parliament of England, meet the all but unanimous prayer of the Canadian people? By an unanimous vote of this House, by a majority in the other, nearly as great as that which in the provincial Parliament supported the improvement so anxiously solicited, the people of Canada were told that they had no hope, and that from the parent State they never would obtain the dearest object of all their wishes. But was there on the other hand no tenderness displayed to soften the harshness of the refusal — no boon offered to mitigate the harsh, the repulsive, the vexatious act of turning to their prayers a deaf ear, and putting an extinguisher on all their hopes? There was. You had given them in 1831 the power of the purse; had told them that they should no longer have to complain of possessing the British constitution in name, while in substance they had it not; had "kindly and cordially" (such were your words) conferred on them a privilege that should place them on the self-same footing with the British Parliament, secure to them the substantial power of granting, postponing, or refusing supplies, instead of the mere shadow of a free constitution, which they had before been mocked with. You had told them that in future the means were theirs of protecting their rights from encroachment; that they could thenceforth enforce their claims of right; that they could insist upon redress of their grievances by withholding supplies while the redress was refused. But what do you offer to them in 1837, by way of sweetening the bitter refusal of their prayer for an Elective Council? You absolutely mingle with this nauseous potion not a repeal of the Act of 1831, but a declaration that for using its provisions — for exercising the option it gave of refusing supplies — for employing the powers it conferred, in the very way in which you intended, or at least professed to intend, they should be employed, to enforce a redress of grievances, — you would set the Act and all its provisions at nought, appropriate their money without their consent, and seize their chest by main force, in spite of their teeth, because they had done what you took credit six years ago for giving them the right to do — withheld their money until they had obtained redress! Such were the resolutions — such their import and intention. I am not now arguing their merits. I am not about proving their monstrous cruelty — their outrageous injustice. But I ask if any human being ever existed in the whole world moon-stricken to the excess of doubting, for one instant of time, what must be the effect of their arrival in Canada? Some there may be who viewed them with a more favourable eye than others; some who deemed them justifiable, some even necessary; while others abhorred them as tyrannical and without the shadow of justification. Some, again, might apprehend a more instantaneous revolt to be risked by them than others dreaded; and some might differ as to the extent and the efficacy of that commotion: but where was the man of any class, whether among the authors of the resolutions, and their supporters, or their enemies, or the by-standers, — among those of liberal principles who were struck with dismay at the shame in which their leaders were wrapt, or among those of opposite opinions who exulted to see the liberal cause disgraced and ruined; — where, I demand, among them all was the man endued with understanding enough to make his opinion worth the trouble of asking for it, who ever doubted that the arrival of these detested resolutions in Canada must be the signal of revolt — at least, the immediate cause of wide-spreading discontent and disaffection throughout the province? The event speedily justified this universal apprehension. I might appeal to the ordinary channels of information; to the public papers of America as well as of Canada; to what formed the topic of conversation in every political circle, both of the old world and the new; but I will only refer you to these papers, meagre and imperfect as they are, — for they contain abundant proofs of the fact which I state, — and in the face of these disclosures, reluctant and scanty though they be, I will defy my Noble Friends to gainsay the statement I have made.

I may here observe, that as several of the despatches give so little information that they might, without any detriment to the question, have been withheld, so some have manifestly been kept back, of which the Government are unquestionably possessed, and which would throw light upon this part of the subject, although those produced give us plain indications what has been suppressed. Thus, the despatches of the 2d, 8th, and 9th of September show to an attentive reader, as strikingly as anything in the late deplorable *Gazettes* themselves, the progress of that discontent which has been suffered to break out into rebellion. In the first, Lord Gosford states that he thinks it may become necessary to suspend the constitution — not an indication, surely, of things being in a satisfactory or a tranquil state. In the last of the three letters he says, "Up to this day (not at once, but in a course of time) he has been obliged to dismiss fifty-three magistrates and public officers." And for what? The magistrates for attending unlawful meetings, and the officers for seditious practices. What state of things does this betoken? And how plainly does it show that the evil was not of yesterday? Manifestly the dismissals had been going on for a time, and notice of them had been communicated to the Government at home; but how happens it that no other intimation is given of so grave a matter except in this one despatch? Then, in the letter of the 8th of September, Lord Gosford describes a central committee as having been formed by the disaffected, from which orders were issued to what he calls "*the* local committees." The local committees! Yet we find no mention whatever of any local committees in any of the other letters produced for our information. The use of the definite article plainly shows that the Governor had in some previous despatch described those bodies to which he here refers without any description. When, in the same sentence, he speaks of the central committee — evidently for the first time — he calls it "*a* central committee," and explains its nature. Clearly, then, there has been received some other letter, whether long or short, private and informal, or regular and official, informing the Government of the ominous circumstance, here only alluded to as already well known, of local committees having been established throughout the province. But that other letter is kept back. The information which the supposed despatch would disclose is not new to me, and it is of deep importance. It points at an organised system of insurrection, and it traces the system to the arrival of the resolutions in Canada. In each parish, parochial committees were formed; in each district, district committees; and these local bodies were under the orders of the central committee. But a judicial system was also established. In each place there were appointed arbitrators, called *amicables compositeurs*, or pacificators, to whom it was required that all having suits should resort, and not to the King's courts of justice; or, if the party preferred the latter, he was visited by some one who warned him that the patriots had passed resolutions against suing in the courts of the State. His cattle were marked in the night if he persevered; and a further contumacy towards the courts of the arbitrators was visited with the maiming of his beasts the night after. This system was established and in operation as early as the beginning of September. But there are some plans which cannot be the work of a day; and of these a judicial establishment like this is surely one. We may safely calculate that months had elapsed before the things stated respecting it in these papers could exist. But I know that the plan was not confined to such committees of government, and such irregular tribunals. Men were raised, as was said, for the purposes of police; — as, I believe, to be ready for resisting the Government. The pretext was the removal of so many magistrates from the commission of the peace. So that we have here all the great functions of government usurped by the disaffected, — executive administration provided, judicial tribunals formed, and a military forced levied, — and all usurped under the very eye of the Government. Why do I ascribe all these frightful results to the resolutions? My reason is plain — it is in these despatches. Lord Gosford himself tells you what their effect was, particularly that of the eighth, respecting the money. They who were most attached to the Government, who most reprobated the proceedings of the patriots, who least favoured the French party, were loud in their disapprobation of that eighth resolution. I do not marvel at this, my Lords; to me it is no surprise at all — I expected it. I contended against the resolutions; I protested against them; I earnestly, though humbly, besought you not to plunge the country into that civil contention which I saw was inevitable the moment that eighth resolution should pass. To injury of the deepest character, it added what is worse than all injury — mockery and insult. To tell men that you gave them the British constitution, and to brag of your bounty in giving it; to tell them that they no longer had it in form, but that now you generously bestowed on them the substance; to tell them that they now possessed the same control over the Executive Government which we in England have, and which is the corner-stone of our free constitution; to tell them that you gave them the power of stopping supplies, for the purpose of arming them with the means of protecting their rights from the encroachments of tyranny, and of obtaining a redress of all grievances; — bragging of your liberality in thus enabling them to seek and to get, by these means, that redress; — and then, the very first time they use the power so given, for the very purpose for which you gave it, to leave them nominally in possession of it, to pass by it, to disregard it, to act as if you never had given it at all, and to seize hold of the money; to send a file of soldiers, and pillage the chest of that fund which you pretended you had given them, and them alone, the absolute power over: — this, surely, is a mockery and an insult, in the outrageous nature of which the injury itself offered merges and is lost. But I am not now arguing the merits of these ill-fated proceedings. Let them have been ever so justifiable, I have nothing to say against them. They were adopted by the wisdom of Parliament, and it is too late to discuss, it is unavailing to lament it; but this, at least, we may say, that when such a course as this was taken, known beforehand to the Government, to its advisers, who could not be taken unprepared by it — who had been deliberating on it from the 20th of November, 1836, to the unknown date of the suppressed despatch in July, and thence to that of the next not very instructive, but, at least, forthcoming, despatch of April 29.; the Ministers were aware of the measure they had conceived, they knew its tendency, they must have made up their mind to its effects, they had resolved to inflict the grievous injury, and offer the intolerable insult, yet worse than the injury. Was there ever yet imbecility — was there ever confusion or want of ideas — ever yet inexplicable policy (if I might prostitute such a name to such a base use) — was there ever seen in the history of human blunders and incapacity anything to match this of wronging, and mocking, and insulting, and yet taking no one step by way of precaution against the inevitable effect of the outrage offered, and to prevent the disaffection, into which you were goading them, from bursting out into revolt, and the revolt from proving successful? The Canadian people are told, "You shall be defeated, and oppressed, and scorned, and insulted, and goaded to resent; but care shall all the while be taken that nothing is done to prevent the irritation we are causing from bringing on rebellion; and, should rebellion peradventure ensue, no means shall be used to prevent the shedding of blood, to protect the loyal and restrain the insurgent." My Lords, there have been before now, at various times, men inclined to play a tyrant's part; to oppress the unoffending, to trample upon the liberties of mankind; men who had made up their minds to outrage the feelings of human nature for some foul purpose of their own, aggravating the wrongs they did, and exasperating the hatred they deliberately excited, by insults yet more hard to be borne. These courses have had different fortunes: sometimes the oppressor has prevailed — sometimes he has been withstood, and punished by the people. But I will venture to assert, that this is the first time such a course ever was pursued without some foresight, some precaution to enforce the policy resolved on — some means provided to preclude resistance, and, at least, to guard against its effects. Tyranny and oppression has here appeared stripped of its instinctive apprehension and habitual circumspection. Compared with the conduct which we are now called to contemplate, the most vacillating and imbecile, the most inconsistent and impotent rulers, rise into some station commanding respect — King John, or Richard Cromwell himself, rises into a wise, a politic, and a vigorous prince.

But it is said that there were various reasons why these resolutions should not be accompanied with an effective force. And first, because the event has shown that there were troops enough already in the colony to quell the revolt. I hope it is already put down, — I do not know that it is; but assuming it to be so, does not my Noble Friend see how much this proves? The defence, if it means any thing, means this,—that the ordinary peace establishment of Canada is quite large enough to meet the most extraordinary emergencies that ever yet happened in its whole history. How, then, will he meet those economists of our resources,—those who are so niggardly and frugal of the public money, and justly complain of every pound needlessly spent, and every man not absolutely required for the defence of the provinces? Because if it turns out that you had, in times of profound peace, so large a force in the colony as was enough to meet a most unexpected crisis, and to cope successfully with a civil war, how is the question to be answered, "Why an army should be wanted in peace equal to the establishment which a war requires?" Had such a question been put on any other occasion than the present, I well know the answer it would have received, because I have heard it again and again, both while in office and while out of office. The answer would assuredly have been, "We keep only just force enough to meet the ordinary demands of tranquil times." Yet, according to the extraordinary defence set up this night, there never are fewer troops maintained in Canada than are sufficient to meet demands of the most unexpected kind. There may a civil war any moment break out, and the Government may occasion and may quell an universal insurrection, without despatching an additional man or gun thither. The establishment is so happily constituted as not to be too great for peace, and also not too little for war. But a second argument has been used, more startling still. My Noble Friend tells you that to send more men over would have had a very bad effect, because it would be admitting the resolutions were wrong, and showing we anticipated a resistance. Why, my Lords, is it not better to anticipate a resistance, and thereby prevent it, than to do nothing and be surprised by one? Which is the worst and most dangerous course,—to be over cautious, or too supine? Is not the reality of a successful revolt infinitely more hurtful than the appearance of dreading one which may never break out? Is not a revolt far more likely to happen, and if it happen to succeed, if you omit the ordinary and natural precautions? And suppose these prevent its happening, what the worse are you for having it said, and said unjustly too, that you were apprehensive without cause? But then a third defence is attempted. Sending troops, says my Noble Friend, would have been paying a bad compliment to the loyal zeal of the Canadians; it would have been treating them as if we could not sufficiently rely on them alone. Now I should not much wonder if these peaceable inhabitants of the province, however loyal, and however devoted, were to say, when they found themselves, through this extreme delicacy, exposed unprotected to civil war, "A truce with your compliments; send us some troops. Don't laud our zeal and loyalty at the expense of our security. Don't punish us for our good qualities. Give us less praise and more protection. Never heed the imputation you may expose us to by sending out effectual succour to those who are not military men, so that you only secure the settlement against the worst of calamities, the flames of civil war, and, should they break out, their laying waste our province." Surely, my Lords, those peaceful and loyal subjects of the Crown are sorely aggrieved, when you tell them that their settlement may be involved in agitation and torn by civil broils, but that still no protecting hand shall be stretched forth to stay their ruin, — that you abondon your duty towards them, — the duty of protection, which alone gives you a title to the reciprocal duty of allegiance, — and as surely they are mocked, beside being aggrieved, when in excuse for thus deserting your duty towards them, they are told that, were you to discharge it, you might appear to doubt their loyalty and their zeal. My Lords, this is not, it cannot, be a real defence; it is an afterthought. I am sorry to say that I cannot bring myself to regard it as sincere; and but for the respect I owe my Noble Friend, I could not bring myself to regard it as an honest defence. If any man had asked him six months ago, before the event, why no troops had been sent to back the odious resolutions, and render resistance hopeless, he might have given various answers to a very pertinent question. I cannot, indeed, easily divine what he would have urged in explanation; but of one thing I am quite certain, — I can tell at once what he would not have urged, — he never would have uttered a word about the despatch of troops indicating a distrust of Canadian loyalty or a condemnation of the eighth resolution. All this is a mere ingenious expedient resorted to after the event, and it is not, permit me to say, characterised by the accustomed candour, fairness, and ingenuousness of the Noble Lord.

Well, then, thus matters went on, and thus to the very last, with admirable consistency. No instructions, either as to the Legislative or Executive Council, reached Canada before the Parliament of the province met, although it had been distinctly promised that they should arrive before the meeting, as, indeed, after it they could serve no kind of purpose. Nay, the Parliament had met and been prorogued before they were even despatched from Downing Street. I am aware, indeed, of the despatches which bear the date of July 14. — a day remarkable in the calendar of the Colonial Office for unwonted activity, — no less than four of these despatches being all dated upon that singular day; and I know that one of these appears to contain a good deal about the constitution of the Legislative Council; but when you examine it you find nothing more than a long, a very long, extract from the Report of the commissioners, — so long, as to require an apology in my Noble Friend's letter for the length of the quotation. It seems that on this matter the three commissioners had agreed. Their general course of proceeding had been to differ upon every thing; so that each reason assigned by the one found a satisfactory refutation in the arguments urged by his able and ingenious colleagues. Nevertheless they had an odd manner of often coming to the same conclusion, not only by different roads, but by travelling in a diametrically opposite directions, as if to reach York they took not the Hull road or the Grantham road, but the road by Exeter or by Brighton. However, in this paper they had for a wonder all agreed; therefore my Noble Friend catches at it, and, for the edification of the Governor, sends him nearly the whole of it, in the form of a despatch, without adding one word of advice or information as to how the Governor should proceed in carrying the propositions into effect, or constructing his council, — the whole practical matter being what men he should put upon it. The Noble Governor was now surrounded by disaffection, and sitting upon the collected materials of an explosion; he was ruling a province on the brink of civil war, and without supplies of force, or a word of information or advice from home. So my Noble Friend sends him a long quotation from the Report of the commissioners, — a precaution the less necessary, that the Noble Lord himself, being one of those commissioners, had himself signed that Report, and might, one should suppose, very possibly be possessed of some knowledge of its contents. Nay, it was barely possible that he might have a copy of the document at large. So careful, however, was the Noble Secretary of State, that he thought it better to send him a part of it, as he was pretty certainly already in possession of the whole. Nothing more is done till August 22., when at length a despatch is forwarded, with full instructions as to the composition of the council. The despatches before sent had contained only a very partial and entirely provisional power of appointment. But the difference between the two dates is, in fact, quite immaterial; for if all that was sent in August had been sent in July, it was too late, — the Parliament met on the 18th of August, and, unless the powers had arrived before that day, they were absolutely useless; not to mention that a proclamation issued in June shows the colony to have been then on the verge of rebellion. The provincial Parliament met; nothing but the resolutions was laid before them; nothing but refusal and coercion, disappointment and mockery, were tendered to them, without a single proposition to soften the harshness of the refusal, or mitigate the bitterness of the insult. The provinces were now arrayed in opposition, and preparing resistance to the Government, — an extensive system of combination was established,—civil, judicial, and military powers were exercised by the patriots. It was now too late to soothe, by the appointment of councillors, whose names, a few weeks earlier, might have given confidence to the people, and paved the way for a restoration of kindly feelings towards the Government; they had already gotten the local committes,— their central body, —their *amiables compositeurs*, their police-bands. On the one hand, hope had been held out never to be realised; promises made only to be broken. On the other hand, resolutions of coercion had been passed amounting to hateful threats, to be followed immediately by Bills, but these were never so much as proposed to Parliament. The insurrection breaks out, — blood is spilt, — the province is involved in rebellion and in war, — still no legislative measures are ever framed upon the resolutions. Parliament assembles weeks after the most important information has come from the colony, — still not a word is said of anything but the new Civil List; and instead of the often-promised Bill to carry the resolutions of April and May into effect, an entirely new Bill is announced, upon a wholly different plan, and to meet the completely altered state of affairs.

Now, then, I ask the reason why the measure was delayed, after being distinctly promised in April? The Government are aware that this question must be answered, and I find several reasons assigned in these papers. The first is given in one of the four despatches of July 14.: — "Much as the Government have always lamented the necessity of adopting such a measure under any circumstances, they would, at the present moment, feel a peculiar reluctance in resorting to it, as they would deeply regret that one of the first legislative acts of her most gracious Majesty's reign should carry even the semblance of an ungracious spirit towards the representatives of her loyal and faithful subjects in that province." If, then, even "the semblance of an ungracious spirit towards the loyal and faithful subjects," is so "deeply regretted" by my Noble Friend, what thinks he of the reality of an audacious spirit of resistance to the Sovereign herself? Does he not consider that it would have been quite as well to avoid such empty, unmeaning compliments to his Sovereign, and discharge the imperative duty cast upon him of maintaining her authority and protecting her loyal people? Would it not have been full as respectful a course, and to his Royal Mistress just as grateful, if, instead of such tawdry and clumsy figures of speech, he had given her the opportunity of maintaining the peace of her dominions, by pursuing the course begun under her illustrious predecessor? My Noble Friend speaks of "deep regret." Was it then a subject of much satisfaction to him that weakness and indecision, delay and inaction, should lead from dissatisfaction to revolt, and end in shedding the blood of the people? Are these things no matter of regret, when deep regret is expressed at merely continuing in the new reign, the measures resolved upon towards the end of the old? The rose leaves on the royal couch of the young Queen must not, it seems, be ruffled by the discharge of painful, though necessary duties. But then was the deathbed of the aged Monarch to be studded with thorns? If the mind of the successor must not be disturbed with the more painful cares of royalty, was the dying prince to have his last moments harassed and vexed by measures of a severe and harsh aspect? Such, I presume, is the reason assigned for nothing having been done after the resolutions were passed in the beginning of May. My Lords, this is a delicate — a perilous argument. We are here treading slippery ground — we are dealing with very high matters. I affirm that I speak the language of the constitution when I absolutely refuse my ear to all such reasons. They are resorted to for the defence of the Ministers at the expense of the Monarchy. I know nothing of the last hours of one reign, or the dawn of another — nothing in the change of sovereigns which can lessen the responsibility of their servants, or excuse them from performing their duty to the Crown, be it of a stern and harsh nature, or be it gentle and kind. Beware, I say, how you give any countenance, ay, or any quarter, to topics of defence like these. They are so many arguments against a monarchical constitution, and in favour of some other form of government. This is no discourse of mine. It is not I who am to blame for broaching this matter. You are they (to the Ministers) — you are they who have forced it into debate; and this despatch — this despatch is the text upon which, trust me, commentators will not be wanting!

But, my Lords, these were not the reasons of all the vacillation and all the delay. The real reason oozes out a few pages later in the book before me. I have been reading from the despatch of June 29.; turn now to one a fortnight later, and you find that a resolution had all at once been taken to give up the eighth resolution, and ask money from Parliament here, for the Canadian service, instead of despoiling the chest at Quebec. This abandonment of the eighth Resolution, as to all fruits to be derived from it, is indeed unaccompanied with any benefit whatever from the surrender — the announcement of the policy, harsh and insulting, is to continue; only its enforcement is given up, and the people of England are, as usual, to pay the money. But see with what a magnanimous accompaniment this abandonment — this shifting of the ground is ushered in. We are now in full vigour; and we cannot boast too loudly of it, while in the very act of performing the crowning feat of impotency. "The time (says this very despatch) has passed away in which it was right to pause and deliberate." Some hopes, indeed, seem yet to have been entertained of amicable adjustment — it is difficult to see why — nor, indeed, does the Noble Secretary of State see, for he candidly says, "hopes, resting, as I must confess, on no very definite ground;" yet he adds, "I cannot altogether despair that the Assembly, or some considerable portion of it, will abandon their course." I suppose because there was nothing whatever to make them think of doing any such thing. My Noble Friend, however, in the act of abandoning his course, — a course which he declares was "entered on by him, upon no light or ordinary motives" — adds, "To retreat from such a course would be inconsistent with our most deliberate sense of public duty." "Deprecating, therefore (he proceeds), every appearance of vacillation where no doubt really exists," — and so forth. Then, did he flatter himself, that when the appearance of vacillation was so much to be deprecated, its reality would work no harm to the public service? Did he not perceive that all he here so powerfully urges against inaction and hesitation, and oscitancy, and faltering, were triumphant arguments in favour of that line of conduct which he never once pursued? This despatch, full of reasons against vacillation, affords the most marvellous sample of it which is to be found in the whole train of his proceedings. The resolutions were passed almost unanimously; it was resolved to take the money of the good people of Canada — it was affirmed that there must be no pause — no doubt — no vacillation — and the new determination prefaced by this announcement, is that the former resolutions, about which no man, say they, can now have any doubt, shall be given to the winds, and the money taken from the pockets of the good people of England!

It would, indeed, seem that just about this time, some wonderful change had come over the minds of the Ministers, depriving them of their memory, and lulling even their senses to repose; that something had happened which cast them into a sweet slumber, a deep trance, such as physicians tell us not only suspends all recollection of the past, but makes men impervious to the impressions from surrounding objects through the senses. Could this have arisen from the deep grief into which my Noble Friend and his colleagues were known to have been plunged by the decease of their kind and generous master? No doubt that feeling must have had its day, or its hour — but it passed swiftly away — it is not in the nature of grief to endure for ever. Then how came it to pass that the trance continued? Was it that the demise of one monarch is necessarily followed by the accession of another? Oh! doubtless its pleasing endurance must have been caused by the elevation of their late gracious master's illustrious successor, prolonging the suspension of the faculties which grief had brought on, but changing it into that state, inexpressibly delicious, which was suited to the circumstances, so interesting, of the new reign. Or could it be, that the Whig party, having for near a hundred years been excluded from the banquet of royal favour, had now sitten down to the rich repast with an appetite, the growth of a century's fast, and were unable to divert their attention from so pleasurable and unusual an enjoyment, to mere vulgar matters of public duty, and bring their faculties, steeped in novel delight, to bear upon points so distant as Canada — affairs so trivial as the tranquillity of the most important province of the Crown, and the peace of this country — possibly of the world? All these inconsiderable interests being in jeopardy, were they insufficient to awaken our rulers from their luxurious stupor? I know not — I put the query — I suggest the doubt — I am unable to solve it. I may, for aught I know, have hit upon the solution; but of this I am sure, that to some such solution one is unavoidably led by the passage of the despatch which refers to the demise and accession as the cause of the general and absolute inaction which at that critical moment prevailed. But another event was in prospect, the harbinger of almost as much joy as the prospects of the new reign — I mean the prospect of a new Parliament. The despatch gives the approaching dissolution as one reason for the conduct, or rather the inaction, of the Government; and I sincerely believe most truly, for as surely as an accession follows a dissolution of the Prince, so surely does an election follow a dissolution of his Parliament. It is not that there was anything like a justification of the Bill not being introduced, in the approaching dissolution; for there was abundance of time to pass it between the beginning of May and the end of July, when Parliament was dissolved. It could not have been much delayed in the other House, where such unprecedented majorities had concurred in passing all the resolutions; and in this House, my Noble Friend (Lord Melbourne) knows he can do as he likes — I mean when he is doing wrong — *Illâ se jactet in Aulâ*, and he is little opposed here. I am far from saying your Lordships would so readily let him do anything to advance the interests of the people, or extend their rights; but only let him invade their liberties, and he is sure to find you every way indulgent; such is your partiality for a bold and decided policy; so great your inclination to support what are termed vigorous measures! It is not, therefore, with the dissolution that I can connect the laches of the Government in the way in which they urge it as a defence. But they were impatient to get rid of the old Parliament, that they might be electing a new one, and all their attention was absorbed in their election schemes. Their hopes were high; they reckoned upon gaining largely, and little dreamed that upon their appeal to the people, instead of gaining fifty, they should lose fifteen. Those "hopes too fondly nursed," were afterwards "too rudely crossed;" but at the time they filled their whole soul, and precluded all attention or care for other matters, whether justice to Canada, or justice to England. What passed in this House, to the serious interruption of our judicial functions, may be taken as a proof how little chance any colonial affairs had of commanding a moment's regard, or delaying for a day the much-wished-for general election. The report had been made to head-quarters by the proper officers — those whose duty it is to preside over the gathering of the Commons — to take care that there shall be a House when it is wanted — or that there shall be none when that is expedient; and, above all, whose department is to arrange the times and seasons of elections. The result was, that the interests of the Ministry were understood to require that certain writs should issue on the Monday, and that on no account whatever the Parliament should be allowed to exist another day. In the general joy of the new reign, and the sanguine hopes from the new Parliament, my Noble Friend on the woolsack, (Lord Cottenham) seemed himself to be a partaker. He betrayed signs of hilarity unwonted; I saw him, I can undertake to say, smile twice at that critical period, and I have heard it said, that the same symptom was observed on one other occasion; but that of course passed away. We were engaged in a most important cause — a question of law — long the subject of dispute in Westminster Hall, and on which the different courts there had widely disagreed. It had come at length before this House for decision in the last resort, and after being fully argued, the Learned Judges (whose assistance your Lordships had, still differing in opinion,) had delivered their arguments *seriatim*. It was for the House to determine, and set the controverted point at rest for ever by a solemn decision; and accordingly, on the Saturday, my Noble and Learned Friend had begun, by moving an affirmance of the judgment below; and by a natural mistake (the point being one wholly of common law) he had given a reason rather for reversing than affirming, by citing a case that made against his argument. At this identical moment, there was observed to approach him from behind, a form not unknown to the House, though to the law unknown, the Lord Privy Seal, robed as a Peer of Parliament, and interrupting the judge in delivering his judgment, to suggest what immediately put an end to my Noble and Learned Friend's argument. There could be no doubt of the purport of that communication; the hour of four had arrived, and then, if at all, must the Commons be summoned, to hear the Commission read. The Privy Seal had warned the Great Seal that if the judgment were given — if the reasons in its favour were assigned, only the ones against it having been stated — the Parliament could not be dissolved on Monday; and thus the grave interests of the elections might be sacrificed to the mere administration of justice. The judgment being thus prematurely closed, and the argument left against, and not for, the decision recommended by the Speaker of your Lordships' House, the commission was executed, and some score or two of Bills were passed. The judicial business was then resumed. Your Lordships differed in opinion. The Lord Chief Justice took a view opposite to that of the Lord Chancellor. It was my fortune to agree with the latter; and after considerable argument the judgment was affirmed, not for the reason which he had given in favour of it; but in spite of the reason which he had urged against it. But this was not all. I and other Noble Lords were most anxious to have the dissolution postponed one day longer, in order to dispose of several important causes which had been fully heard, at heavy expense to the parties, and to prevent the risk of the whole expense being renewed in case those who had heard them should die before next Session, or be unable to attend the judicial business of the House. We earnestly besought the Government to grant this postponement for so important a purpose, as well as to prevent the vexation to the parties of increased and most needless delay — to the Court the serious inconvenience of deciding a year after the argument had been heard. But we prayed in vain; they would hear of nothing but dissolving and electing, would attend to nothing else, would allow nothing to interpose between them and their favourite electioneering pursuits; and the reports of your Lordships' judicial proceedings bear testimony to the haste with which, to attain those electioneering objects, the Session was closed, and the administration of justice in the last resort interrupted. Well, therefore, might the Noble Lord's despatch of the 14th of July assign the approaching dissolution of Parliament as a principal reason why Canada could not be attended to. Although not in the sense of that despatch, or as anything like an excuse for his conduct, assuredly the dissolution and its consequences had much to do with that neglect of duty. It called away the minds of men to nearer and dearer objects; fixed their attention upon things that far more nearly touched them, things that came home to their business and bosoms — the preparations for the approaching elections; and the affairs of the remote province, which had at no time engrossed too much of their care, were thought of no more.

Thus, then, my Lords, all is uniform and consistent in these transactions: all is in keeping in the picture which these papers present to the eye. A scene is certainly unfolded not much calculated to raise in our estimation the capacity, the firmness, the vigour, or the statesmanlike habits of those distinguished persons to whose hands has been committed the administration of our affairs. I do not by any means intend to assert that the great qualities of public life may not be discovered in these proceedings. I should be far from saying that both deliberation and despatch may not be traced in their conduct; — deliberation amounting even to balancing, and pausing, and delay; — despatch running into rapidity, precipitancy, hurry. You meet with the unhesitating haste, and with the mature reflection; the *consulto* and the *matura facto* are both there. But, then, they are at the wrong time, and in the false position: the rapidity presides over the deliberative part — the deliberation is applied to the executive. The head is at fever heat; the hand is paralysed. There is no lack of quickness, but it is in adopting plans fitted to throw the country into a flame; no lack of delay, at the moment when those schemes are to be carried into execution. They rush unheeding, unhesitating, unreflecting, into resolutions, upon which the wisest and readiest of mankind could hardly pause and ponder too long. But when all is determined — when every moment's delay is fraught with peril — then comes the uncertainty and irresolution. They never pause until the season has arrived for action, and when all faltering, even for the twinkling of an eye, is fatal; then it is that they relapse into supineness and inaction; look around them, and behind them, and everywhere but before them; and sink into repose, as if all had been accomplished, at the moment when everything remains to be done. If I were to ransack all the records to which I have ever had access, of human conduct in administering great affairs, whether in the annals of our own times, or in the ages that are past, I should in vain look for a more striking illustration of the Swedish Chancellor's famous saying to his son, as he was departing to assist at the congress of statesmen: "*I, fili mi, ut videas quantulâ sapientiâ regatur mundus!*"

My Lords, I cannot sit down without expressing also my opinion upon the conduct of the other party in this disastrous struggle. Both here, and elsewhere still more, invectives have been lavished with unsparing hand upon those whom the proceedings of the Government first drove to disaffection, and afterwards, by neglect, encouraged to revolt. I will not stoop to protect myself from a charge of being prone to vindicate, still less encourage, men in their resistance to the law, and their breach of the public peace. But while we thus speak of their crimes, and give vent to the angry feelings that these have excited among us, surely it becomes us to reflect that we are blaming men who are not present to defend themselves — condemning men who have no person here to say one word in explanation, or palliation of their conduct; and that while we have before us their adversaries in this country, and the whole statements of their adversaries in the colony, from themselves we have not one single word, spoken or written, to assist us in forming our judgment, or to stay our sentence against them. To any fair and candid, not to say generous nature, I am sure I need not add another word for the purpose of showing how strong is their claim to all forbearance, to every allowance which it is possible for charity to make in scanning their conduct. Then I shall ever hold those deeply responsible who could have made all resistance impossible, by making it hopeless, but who sent out no reinforcements with that design — those who first irritated, and then did not control — who, after goading to insurrection, did nothing to overawe and deter insurgents. And after all, when men so vehemently blame the Canadians, who is it, let me ask, that taught them to revolt? Where — in what country — from what people did they learn the lesson? You exclaim against their revolt — though you have taken their money against their wishes, and set at nought the rights you boasted of having bestowed upon them. You enumerate their other comforts — that they pay few taxes — receive large aids from this country — enjoy precious commercial advantages for which we pay dear — and then you say, the whole dispute for which they have rebelled is about the taking of twenty thousand pounds without the consent of their representatives! Twenty thousand pounds taken without their consent! Why, it was for twenty shillings thus taken that Hampden resisted — and by his resistance won for himself an imperishable name, which the Plantagenets and the Guelphs would give all the blood that swells their veins to boast of! If to resist oppression — if to rise against usurped power, and defend our liberties when assaulted, be a crime — who are the greatest of all criminals? Who but ourselves, the English people? We it is that have set the example to our American brethren. Let us beware how we blame them too harshly for following it! My Lords, I throw out these things with no view of merely giving offence in any quarter — I do so with a better object — an object of all others the dearest to my heart at this moment, — to prevent, by this palliating reflection, the shedding of one drop of blood, beyond what self-defence and the lowest demands of justice administered in mercy, require — to warn those into whose hands the sword is committed, that they have a care how they keep it unsheathed one instant after the pike of the rebel has been thrown away!

My Lords, the speech of my Noble Friend would now carry me after him into a wide field — the consideration of the new system which is to be proposed for governing the colony. Upon that ground I decline entering at present; but the general aspect of it demands a single remark. The constitution is to be suspended for three years, and a Governor is to rule with absolute power; and yet, all the while the boast is, that the insurrection has been partial — that only a single county of the whole eight has taken any share in it — and that all the rest of the community are loyal and well-affected! Then, I ask, why are the loyal and well-affected, because they have put down the partial revolt, to be punished for the offences of others, and to lose, not only the privileges which you gave them in 1831, but the constitution which Mr. Pitt gave them forty years before? This may be vigour — it is certainly not justice. It looks like an awkward and preposterous attempt to supply, at this late hour, the total want of activity which has prevailed throughout the whole conduct of Government, by an excess of action — by a morbid vigour that can work nothing but mischief to all. It is a proceeding wholly repugnant to all ideas of justice, and contrary to common sense. Only see how utterly this measure is inconsistent with the rest of my Noble Friend's defence. When you ask why no force was despatched to secure the peace of the colony — you are told it was quite unnecessary — the people were all so loyal that the peace was in no peril, and sending troops would only have been offering a groundless insult by suspecting their zeal and devotion. But when it is thought desirable to destroy the free constitution, and put a pure despotism in its place — straightway it is found out that the whole mass of the population is disaffected, and can no longer be intrusted with political rights. The rebellious spirit shifts and changes — contracts and expands — just as it suits the purpose of the argument. Now, it is confined to a single county — pent up in a corner of the settlement — bounded by the river Richelieu. This is when the Ministers are charged with having left the colony to its own resources. Presently the new plan of arbitrary government is on the carpet, and immediately the revolt spreads in all directions — spurns the bounds of rivers and mountains — diffuses itself over the whole country — and taints the mass of the inhabitants. My Lords, I care not which way the question is put, but it is a question that must be answered before these Ministers can compass both their objects, of defending their past conduct and obtaining new powers. The dilemma is now complete and perfect. If the colony was in such a state as to justify this arbitrary Bill, why did you leave it without a force? If the colony was in such a state as justified you in withholding reinforcements, what pretence have you for disturbing its peace, and inflicting upon it a despotic government? Answer me these questions. One answer will suffice for both. But I believe for that answer I shall wait for ever, and in vain.

But, then, it seems that this despotic constitution is only to be the forerunner of some other arrangement. Whether the Noble Lord had himself formed a very clear and precise idea of that ulterior measure, I am unable to say with confidence; but this I know, that his explanation of it left me without the power of comprehending it with any distinctness; and what I could comprehend, seemed absurd in the extreme. Of all established constitutions we are bound to speak with some respect, more or less; they have been tried, and at least been found to answer some of the purposes for which they were designed. But a wholly new and untried scheme is entitled to no respect at all beyond what its intrinsic merits claim; and as far as this scheme is comprehensible, it appears eminently ridiculous. A certain number of persons, we are told, are to be called by the Governor to his aid as councillors, but how they are to be selected, and what powers they are to have, we are not informed. Is the Governor to summon whom he pleases? Then he gives no share whatever in the deliberations to the people; and for the purpose of conciliation, or indeed, of learning the public opinion, the proceeding is utterly nugatory. Is he to choose the districts, and leave the electors there to send representatives? But still it is a packed assembly, and no voice is given to the bulk of the community. Is he then to issue writs generally — only requiring ten councillors, instead of ninety representatives, to be elected for his helpmates? But when the whole country is unanimously of one opinion, this plan can have no other effect than to bring together a Parliament composed exactly like the present, only fewer in number, and under a different name. It is plain that, in one way or another, the intention must be, that the people shall not elect freely, as they now do, else a Parliament precisely like the disaffected one will be returned; and that those elected shall have no power to act, unless they do as they are bid, otherwise the Government will be in the precise difficulty which now oppresses it. But if any such semblance only of consulting the people is all you mean to give — if under the pretence of calling them to your aid, you exclude all the men of their choice, and only take counsel with creatures of your own — I tell you fairly that such an intolerable mockery will avail you nothing. Better proclaim at once a despotism, without any disguise, or any mitigation. Make the Governor supreme. Let him rule without advice, or even instruction — in his own name, and not in the name of the law — for your interest, and not for that of the colonial people.

But, my Lords, I have said that I should at present forbear to pursue in detail the subject which we shall hereafter have ample opportunities of discussing at large. Neither will I go into the particulars of the civil war that has so lamentably been kindled. I have mentioned that there is reason for hoping its disasters have already reached their term. I hope, most devoutly hope, it may be so. No thanks to the Government,—the colonists themselves, left wholly to their own resources and their own zeal, are supposed to have quelled the insurrection and restored peace. But what kind of a possession is that which must be kept by force of arms? Are we not here reminded of Mr. Burke's observation upon the too parallel case of America? Here, however, I must, in passing, express my astonishment at finding the address now moved, to be so nearly copied from that of 1775 — after the peremptory denial of my Noble Friend (Lord Melbourne), when I the other night said I supposed it would turn out to be so. Really, though he is but a novice in office, he made the denial with a readiness and a glibness that might have done honour to those inveterate habits of official assertion, only acquired by the few who are born in Whitehall and bred in Downing Street. And yet, when we look at it, we find it the same address with that of 1775, to the very order of the topics — all but one passage, which is of necessity omitted here, because I defy the utmost courage of official assertors to have reproached the Canadians as my Noble Friend's predecessor Lord North did the Americans, with making an ungrateful return to the tenderness shown by Parliament towards the principles of the English law and the English Constitution. The authors of the eighth resolution were not, I presume, capable of setting their hands to such a boast as this. In all other respects the two addresses are identical. — May the omen not prove inauspicious, and may the likeness end here!

But I was drawn aside from the just remark of Mr. Burke, which I was about to cite. The rebels, said he, may be put down, but conquering is not governing, and a province which, to be retained, must be always subdued, is little worth keeping. My Lords, I may truly say the same of Canada. The revolt may be suppressed; I hope it is suppressed already, and that the blood of our American brethren has ceased to flow. But the difficulty of the case is only then beginning. Then comes the time to try the statesman — the far more delicate question then arises — and the more important — demanding infinitely greater circumspection and foresight, wisdom and judgment, than how a rebellion may be suppressed — I mean the question, how a distant province may be well governed — a disaffected people reclaimed — and the maintenance of your empire reconciled with the interests of your subjects? The scheme of polity for accomplishing this great and worthy purpose, must be well matured before it is adopted, and when once adopted, must be executed with vigour; all pausing and faltering must then be ended. I would fain hope that the Ministers have been taught a lesson by the past, and that henceforth they will deliberate at the season of proposing measures, and act when the period for executing them arrives. But if I am called upon to pronounce, whether or not the authors of these despatches, the propounders of last year's resolutions, — they who followed up their own policy with no one act of vigour, and accompanied it with no indication of foresight — they who embarked in a course avowedly harsh and irritating, without taking a single precaution to prevent or frustrate resistance, and, at the instant when their measures required to be prosecuted with effect, suddenly deserted them — if I am to decide whether or not they are the men endowed with the statesmanlike capacity to meet the difficulties of so arduous an occasion, — I, too, must falter and pause before I give an affirmative answer. To quell an insurrection, asks but ordinary resources and every day talents; a military power — often a police force — may subdue it, and may bridle for a season the disaffected spirit. The real test of the statesman's sagacity and vigour is applied when tranquillity is for a while restored. My Lords, painful as the avowal is, their conduct throughout these sad affairs has wrung it from me — I must pause before I can pronounce these men fit for the emergency which is fast approaching, if it have not already come.

But let it not all the while be supposed that when I dwell upon the greatness of the occasion, it is from setting any high value upon such a possession as Canada. The crisis is great, and the position difficult, on the assumption that you will resolve to keep hold of it, whether in prudence you ought or not, and will be for making sacrifices to retain it, of which I hold it altogether unworthy. Not only do I consider the possession as worth no breach of the constitution — no violation of the principles of justice — (Good God! what possession can ever be of a value to justify a price like that!) — but in a national view, I really hold those colonies to be worth nothing. The only interest we have in the matter concerns the mode in which a separation, sooner or later inevitable, shall take place. The only question worth considering, as far as our national interest is concerned, is whether that separation shall be effected amicably or with hostile feelings — unless in so far as the honour of the country is involved. But I am not so romantic as to suppose that any nation will ever be willing to give up an extended dominion, how unprofitable, nay, how burthensome soever it may be to hold it. Such possessions, above all, are not likely to be surrendered to dictation and force. The feelings of national pride and honour are averse to yielding in these circumstances; but I do venture to hope, that when all feelings of pride and honour are saved — when resentment and passion have cooled — when the wrong doers on either side are forgiven — when the reign of law is restored; that justice will be tempered with mercy, the foundation for an amicable separation laid, and an estimate calmly made of the profit and the loss which result from our North American dominions. I am well assured that we shall then find them very little worth the cost they have entailed on us, in men, in money, and in injuries to our trade; nay, that their separation will be even now a positive gain, so it be but effected on friendly terms, and succeeded by an amicable intercourse. The government and defence of Canada alone, costs us considerably more than half a million a-year; independent of the million and a half which we have expended on the Rideau canal, and between two and three millions on fortifications, uselessly spent. I speak on the authority of a Minister of the Crown, who has recorded his opinion of the burthen we sustain in holding such possessions.

LORD GLENELG. — Who?

LORD BROUGHAM. — The Paymaster of the Forces (Sir H. Parnell). But beside all this, we have to pay *55s.* duty on the excellent timber of the Baltic, in order that we may be compelled to use the bad timber of Canada at a higher price, on a *10s.* duty. The severance of the colony would not only open our markets to the better and cheaper commodity which grows near our own doors, but would open the Baltic markets to our manufactures, restrained as they now are in their export to the north of Europe, by the want of any commodities which we can take in return. Their produce is grain and timber, and our corn laws, for the benefit of the landed interest, shut out the one, while our colonial laws, for the benefit of the planters, exclude the other. Is it not then full time that we should make up our minds to a separation so beneficial to all parties, if it shall only take place amicably, and by uniting together the whole of our North American possessions, form an independent, flourishing, and powerful state, which may balance the colossal empire of the West? These, my Lords, are not opinions to which I have lately come; they are the growth of many a long year, and the fruit of much attention given to the subject. Of this I am intimately persuaded, that it is of paramount importance to take care how the change shall be consummated. If the severance be effected by violence — if the member be rudely torn away and bleeding from the body of our empire — a wound is left on either side to rankle and irritate and annoy for generations to come. Hence a perennial source of national enmity, the fruitful cause of commercial embarrassments, and of every kind of discontent and animosity, not only between the countries, but among the different classes and parties of each. There is no evil against which it better becomes us anxiously to guard. All expedients should be tried to render the severance kindly and gentle — every thing resorted to that can pour balm into the wound occasioned by the operation. This is the most sacred duty of every wise and virtuous statesman. Lowering as the aspect of affairs now appears, my hope still is that those who are intrusted with the government, be they who they may, will bestir themselves, with these views, for this purpose; and, while it is yet time, seek above all things to heal the injuries which imprudence and rashness, complicated with imbecility and vacillation, have inflicted, so as to give us, not outward peace only, but real concord and friendship, without which the wound is but skinned over, and peace must be precarious and only a name. But, to give real peace and concord, the wrongs complained of must be redressed, and I fairly tell you that the master grievance must not be suffered to remain. All Canada cries out for an elective council. Refuse it you cannot. The complaint against its present constitution is like that some time ago urged against this House.

A NOBLE LORD. — That is not a judicious allusion.

Will my Noble Friend, whose eagle-eye can pierce through the darkness of a statement barely commenced, and catch its application to an argument not yet broached, suspend his sentence of condemnation till he hears whether the allusion be indeed judicious or no? I was stating that language more severe had not been used towards the Legislative Council in the province, than I have often heard employed in this place against this Legislative Council of the parent state. But there is a wide difference, my Lords, between the two cases, and upon that difference rests the application of my present appeal, so prematurely judged of by my Noble Friend. First,—whereas only an inconsiderable fraction of the people of England have demanded a reform in the constitution of this House, and even they have not persevered in the demand, all the Canadian people with one voice have called aloud and vehemently for a change in their Upper House, and have never for one instant, in any circumstances, abated one jot of the vehemence with which they universally urged that demand. Next,—we never have been rationally, or even intelligibly informed in what way the reform of this House could be effected, without the overthrow of our mixed monarchy; whereas the change proposed in the colonial council has always been distinctly stated, and accords with the whole principles and frame of the political constitutions all over the New World. Lastly and chiefly, the charge made against your Lordships of refusing the measures which the other House send up, rests upon a very narrow foundation indeed, compared with the sweeping accusation brought against you. You altered some Bills, for the worse, as I think; you mended others, changing them for the better; one or two you wholly rejected in one or two Sessions; whereas the council in Canada refused Bills of all kinds by wholesale, rejected scores of the most important measures upon all subjects indiscriminately;—Bills upon Government — education — administration of justice — trade — retrenchment — reform of all abuses — all shared the same fate. Trust me, my Lords, if you had been so ill-advised as to pursue a course like that, there would a very different cry have arisen for peerage reform from any thing you have ever yet heard. With all the difficulty of forming a plan for it, the demand of some change would have become general, if not universal. Instead of a feeble cry, proceeding for a little while from a small portion of the country, all England would have vehemently persevered in the demand of reform. The wisdom of your Lordships prevented this. The conduct of the Upper House in Canada was the very reverse; and when the people had nothing to hope from its present structure, no wonder that the demand for its change became loud, vehement, universal, — but much wonder if in a cause so just, it should not in the end prove irresistible! In vain, believe me, do you send out new governors with larger powers! In vain you commission my Noble Friend to carry out the force of a despotic government, if he is not also armed with force to redress the master grievance! With every disposition to trust his ability and his temper, the work of reconcilement never can flourish under his hands, if they be not strengthened to do it by the only power which can avail; if they are strong only to inflict new wounds, and impotent to bestow the boon of justice and redress. I shall most deeply deplore his undertaking such a mission, if he goes thus cramped and fettered. If he is only to carry out the most unconstitutional, the most oppressive Act that has crossed the Atlantic since the fatal Bill of Massachusetts Bay, I shall lament it on his account, because he can reap from such a service no honour; I shall still more bitterly deplore it for the country's sake, which can derive nothing but disgrace from such a course; for the sake of the first of all blessings, the public peace, which will never be permanently secured by acts of unmitigated injustice!

But once more let me beseech you to resolve that you will abide by the course of justice — grant liberally — improve fearlessly — reform unflinchingly, whatever the Canadian people is entitled to demand that you should grant — improve — reform. By none other measures can either right be done by the parent state to its American subjects, or the character of England be sustained; by no other course can the honour of the Crown, the character of the Parliament, above all the peace of the New World be restored, or the peace of the Old maintained!

VISCOUNT MELBOURNE. — I could have wished, before I addressed the House on this subject, that some other Noble Peer, who took a different view of the question from the Noble Lord who has just resumed his seat, had risen. Even amidst the torrent of invective and sarcasm with which the Noble Lord has overwhelmed the Officers of her Majesty's Government, and that most laboured and most extreme concentration of bitterness which has been poured forth on this occasion, I have not, however, discovered that he entertains any decided disapprobation of the present motion, and I apprehend that I may fairly take it for granted that no such disapprobation will be expressed; and I trust that I may expect from no Noble Peer any view to be taken very different from that of the Noble Lord. The Noble Lord, towards the conclusion of his speech, said that he faltered, he hesitated, he paused, before he could pronounce it to be his opinion that the present Ministers had shown themselves to be fitted to act in this important affair, with the management of which they are entrusted. Now, considering the introductory part of the speech of the Noble Lord, I do not see why he should falter; I rather think that his doing so savours in some degree of that vacillation which he has alluded to as having characterised the conduct of Ministers: and I do not see with what consistency the Noble Lord, entertaining the opinions which he has expressed, can excuse himself from making some motion to this House declaratory of his want of confidence in the Government. However he may falter in respect to his judgment of Ministers, I do not falter with regard to this expression of my opinion in reference to his speech.

The Noble Lord has taken a very large discursive view, not only of the question now immediately before the House, but also of the measures which have preceded it, and which have led to the present state of affairs, and of all the topics which have reference or allusion to this most important subject. He is aware of all the measures (and was a party to many of them) which have led to the state of things that unfortunately at this moment exists in Lower Canada. It is of course impossible to view the present state of Canada, otherwise than as one deeply to be lamented. Whether it has arisen from the natural course of events, beyond the control of any Government, or whether measures might have been taken to prevent the present crisis, are questions into which I shall not now enter; but I do feel some satisfaction, and I think all the Officers of Government who have been employed on this question must do the same, that, to whatever cause it may be attributable, it cannot be suggested to have arisen from any want of justice on the part of this country, or from any assertion of rights on our part which did not exist; from any tyrannical or unjust proceedings; but only from the unreasonable and impracticable reforms which are demanded in the Canadian constitution by the House of Assembly. My Noble and Learned Friend has made several observations on the various delays which he conceives have taken place in the correspondence; he has also commented on promises which he asserts were held out, and which have never been fulfilled; and he has also remarked on the long interval which has elapsed between one letter and another; but I must say, that he does not appear to me to have made out his case upon that point. It is not sufficient for him to assert that promises have been made; it is not sufficient for him to say that there was a long interval without any despatch; but he must prove, also, that it was necessary to write something during that interval; he must prove that something beneficial to the service must have accrued from sending out further instructions; and he must prove, also, that there has been some neglect prejudicial to the colony, and injurious to the public service; and he has failed in such proof.

The Noble and Learned Lord has indeed said, that there have been some laches and some neglect which have had a prejudicial effect, and have been the real cause of the outbreak; but I confess, my Lords, that I cannot recollect throughout the whole of that Noble Lord's able but discursive speech one single endeavour to bring his assertion to the test. Now, I beg to call the attention of your Lordships to an extract from the despatch of my Noble Friend (Lord Glenelg) to Lord Gosford, dated the 29th of April, 1837, in which he informed him that the resolutions (transmitted in a despatch of the previous month) had been agreed to by the House of Commons. He says,—

> I regret that, owing to the delay which has occurred in passing the resolutions, arising, in a great measure, from the pressure of public business, I have been compelled to withhold these instructions for a longer period than I anticipated, but your Lordship may rely upon receiving them in ample time to enable you to prepare for the meeting of the Legislature; whether that meeting should be postponed until the time when the law will require that a session shall be held, or should be fixed for an earlier time, in a question which must depend, to a certain degree, on local circumstances, of which your Lordship will have the means of obtaining a far more accurate acquaintance than I can.

What is the fair meaning of this passage, but that with respect to the time of calling together the local legislature the Governor was better acquainted with the circumstances which must regulate the period than any one here could be, and that my Noble Friend would not, in opposition to the Governor's opinion, venture to give an opinion? Was not this the proper course to be taken, and was it not in accordance with common ground of the substance of the measure itself. I say, my Lords, that the Sovereign ought to originate any measure which relates to war; and I was particularly anxious that this proceeding should originate from a message from the Crown, on the very grounds, and for the very reasons, which have been so ably referred to by the Noble Viscount, in the last moments of his address to your Lordships. I was anxious that her Majesty should declare herself, positively, on this subject, in order that there might be no doubt in this country, or throughout Europe, of the determination of her Majesty to assert her right of sovereignty; that the Government should expressly declare its feelings on this subject, and that the country should understand that the sovereignty of the Crown was to be maintained at all events. I was the more anxious upon this subject, my Lords, because, in the different discussions upon this subject, more than one Minister of the Crown has stated that the measures about to be adopted are not to be promoted with the view of supporting the authority of the Crown, — not with the view of vindicating the law, — but, to protect a party in the colonies which has adhered to and supported her Majesty's Government. I cannot think, my Lords, that this is the proper ground to take; but I conceive that, for the sake of her Majesty, for the sake of the public interest, and for the sake of the colonies themselves, we ought to have assumed the highest ground. I am quite satisfied, however, with the explanation of the Noble Viscount on this part of the subject; and I state my feelings now, not with the view of imputing blame, — for I am sure that, if the Noble Viscount, had adverted to the considerations which I have advanced, he would have adopted another course more consistent with every precedent relating to America, relating to Ireland, and to every other part of the empire. With regard to the address itself, I must observe, that, though to some parts I give my full acquiescence, yet I must beg leave to guard myself against making myself a party to any portion of these transactions, either with respect to the suspension of the constitution of 1791, or to any other specific proceeding, till I see the measure which the Noble Viscount means to bring forward.

I have, my Lords, thoroughly considered this question, for I had the misfortune to differ from many other Noble Lords, and was almost the only individual who, in 1831, voted against the propositions of my Noble Friend near me, then the Secretary for the Colonies (Earl of Ripon). I believe that another Noble Lord also opposed the Bill. But I only signed a protest against it; because I thought then, as I think still, that it was a most unfortunate measure. My opinion at that time was, that the Bill ought to have contained a clause providing for its repeal, in case provision were not made by the House of Assembly in Canada for granting a Civil List, and that provision were not made by them to enable the King to maintain the civil government; and I believe that the omission of such a clause is the cause of all that has happened from that time to the present. I differ entirely from the Noble and Learned Lord in thinking that the Act of 1831 established the British constitution in Canada; for it is not consistent with the British constitution to leave the civil government of the country, — and especially to leave the judges of the land, — to be provided for by an annual vote of the Parliament. I say, my Lords, that the British constitution, for the last 150 years at least, has made a fixed, and not uncertain provision for supporting the dignity of the Crown, for meeting the expenses attendant on the administration of the civil government, and most particularly for the independence of the judges of the land. But is that the state of things in Lower Canada? No. I maintain that the Act of 1831 did not establish the British constitution in the colonies of Upper and Lower Canada, but something quite distinct; — for it gave to the people a popular representation, which, in my opinion, is the cause of all the disputes that have followed, and of the insurrection which has taken place. It gave individuals the power to create prejudices in the minds of the people, to weaken the loyalty of the Canadians, and to raise them in hostility against her Majesty's crown and government. And what has been the object of these individuals in the course which they have pursued? They have supposed that, by creating dissatisfaction amongst the people, they could thereby throw off the authority of the Crown; and, by gathering the people around them, overturn the government established in the colony. Such have been the objects of those individuals who have been seen running off to the neighbouring territories of the United States, as soon as they found their own persons exposed to danger. This turned out to be the real state of the case; for the would-be leaders left the unfortunate people in a state of rebellion against her Majesty's government, and ran off, themselves, letting the unlucky inhabitants return to their houses as best they could; and forcing them to submit, with the best grace they might, to the mercy of her Majesty's Government. I warned the Noble Lord against endangering the establishments of the country, by giving anything like an authority to a popular assembly to withhold the funds necessary for carrying on the civil government; for nothing is more needful to a country than to uphold the civil power, and the independence — as well pecuniary as political — of the judges of the land. And let Noble Lords learn, from the events in Canada and our other dominions in North America, what it is to hold forth what are called "popular rights," but which are not popular rights either here or elsewhere; and what occasion is thereby given to the perpetuation of a system of agitation which ends in insurrection and rebellion, and the coming to blows with her Majesty's troops.

It is not my intention to follow the Noble and Learned Lord or the Noble Viscount through a long discussion as to the contents of the papers now on your Lordships' table. I certainly have learned, from a perusal of these papers, that the Noble Lords opposite did not think it proper to send a reinforcement to the troops in Canada in the course of the last summer; and I must do the Noble Lords the justice to say, that I cannot blame them for not having taken more active measures: for I happen to know several persons,—and particularly officers —well acquainted with the provinces, and who have been concerned in their government, and I may safely assert, in my place in Parliament, that I have received the opinions of those officers that there was not the smallest reason to apprehend anything like insurrection in Lower Canada. I do not doubt that her Majesty's Government may have received the same information; and Lord Gosford, in his despatches, admits that he did not fear an insurrection up to a very late period; and I may add, that I believe the same opinion to have been entertained by the general commanding in chief in that colony. But, at the same time, I must say, that although I can impute no blame to the Noble Lords for not having sent out more troops to Canada, at an earlier period of the year, yet it does appear that, at one period of the year, I think in October, ——

A NOBLE LORD. — No, March.

The DUKE of WELLINGTON.— The Secretary of State for the Colonies thought it right to authorise the Governor of Canada, and the general commanding in chief, to send to Nova Scotia and New Brunswick, and move the troops from those places into Canada; and I cannot understand why the Noble Lord, when he gave those instructions, especially if he thought that they would be carried into execution, did not despatch fresh troops to Nova Scotia and New Brunswick, to fill up the vacancies which would have been occasioned if Lord Gosford or Sir John Colborne had called for the troops already there. I do not, therefore, think that the not sending out of troops to the Canadas is the most pressing point of the case; but I conceive that the point which does most press is the not sending out of troops to Nova Scotia and New Brunswick, to supply the vacancies there. One consequence would have been, that all those colonies would have remained amply provided with troops; but another, still more important, this;—that the world would have seen, and this country especially would have been convinced of, the determination of her Majesty's Government to maintain the ground which they had taken in the resolutions of last year relative to Lower Canada — that they were determined to maintain the dominion of this country, to support those who were willing to support us, to preserve inviolate the authority of the Government, and to uphold the due execution of the law. I will not advert to what has been said by a Noble Lord, in the course of this evening, with regard to the separation of the Canadian colonies from this country. The answer which has been given by the Noble Viscount upon that subject is quite satisfactory to me. I will, however, allude, in one word only, to that part of the Noble Lord's speech. I confess, my Lords, that I have a feeling for the honour of my country, and I cannot but believe that if, by any misfortune, we should fail in restoring peace in Lower Canada, at an early period of time, we shall receive a blow, with respect to our military character, to our reputation, and to our honour, of which it will require years to enable us to remove the effects.

My Lords, there is one topic which has been adverted to by the Noble and Learned Lord (Lord Brougham) upon which I think it necessary to say a word, although it is not alluded to in the address, and will more properly form a subject of the discussion on the Bill which is to be brought in upon some future day, —and that is the establishment in Lower Canada of an elective legislative council. The Noble and Learned Lord, with all his knowledge of Lower Canada, has not, in my opinion, sufficiently adverted to the fact of the difference of the two races of inhabitants in that country. My Lords, it may be easy to talk, here, of establishing an elective council, but if the Noble and Learned Lord will look into the discussions which have taken place upon that subject, and to the opinions that have been delivered upon it by the different parties in that colony, he will find that British inhabitants are to the full as much opposed to that arrangement, as the French are in favour of it: he will find that, in point of fact, they would be in a state of insurrection against that arrangement, in the same degree as the French are now supposed to be in a state of insurrection in favour of an elective legislative council. I will likewise beg the Noble and Learned Lord, and I would entreat the Noble Viscount opposite, and every member of her Majesty's Government, to attend to this fact, that an elective legislative council is not the constitution of the British monarchy; that a legislative council appointed by the Monarch is the constitution of this country; that this was so stated in the discussions upon the Bill passed in the year 1791, by all the great authorities who discussed that measure, amongst others by Mr. Fox himself. That gentleman said, "that a legislative council, appointed by the Monarch, is an essential part of the British constitution."

Under these circumstances, I entreat the Noble Viscount, and every other Noble Lord, not to lose sight of that fact in the arrangement which they may be prepared to adopt. Let them not flatter themselves that they will satisfy all the inhabitants of Lower Canada by admitting the principle proposed by the French inhabitants of that colony, and most strongly urged by the Noble and Learned Lord, in the course of the present discussion. My Lords, it has been my wish to avoid making any remarks upon any of the subjects which are likely to become matters of discussion upon the Bill to be introduced on a future occasion. I have adverted, only, to what I consider to have been the most prominent parts of the Noble and Learned Lord's speech. I wish, my Lords, to support the address, and certainly to support the Government in any measure they may think proper to adopt, in respect and in consequence of this address, in order to bring the contest which has now commenced between this country and Lower Canada to a speedy termination,—and to effect an honourable and a firm settlement of this unfortunate question.

LORD BROUGHAM.—I beg just to say one word in explanation. I stated that the Bill of 1881 left an option with the people of Canada.

The DUKE of WELLINGTON.—What I said was, that this country provided for the independence of the judges; and I contended that the Act of 1791 was more analogous to the constitution of this country than that which was formed by the Act of 1831.

The EARL of RIPON.—I wish to offer some explanation on the point to which my Noble Friend (the Duke of Wellington) has referred, namely, the situation in which the Act of 1831 has placed the Government of this country with respect to the civil government of Lower Canada. It is perfectly true, that when I proposed the introduction of that Act, the Noble Duke opposed it, and said I should find, in point of fact, that the legislature of Lower Canada would readily take the boon which that Bill gave them, but would not establish any Civil List in return. The Noble Duke certainly prophesied that; and, unquestionably, the Noble Duke's prophecy has turned out to be true. I admit that, on that occasion, I acted, more or less, under the influence of an imprudent confidence, and under what I conceived to be a pledge on the part of the House of Assembly in Lower Canada, that they would not take the advantages to be afforded to them by that Act of the Imperial Parliament without making a reciprocal concession. And what was the ground on which I founded this confidence? Not only the repeated assurance on their part that they would not do so;—(I do not mean to say that, in so many precise words they gave that pledge; but, taking men's meaning as to the course of conduct they would pursue from the language they use, no man of honour and honesty, after reading the resolutions and addresses adopted by the House of Assembly from time to time, could doubt that they should lead the Government at once to believe that when the royal revenues should be given to their control, they would, in return, provide a Civil List.) Not only had I this ground for entertaining that feeling of confidence in them, but I had another reason for believing that they would keep good faith with the Government, which was this,—that the province of Upper Canada, which also has had its grievances, at least, as long and as fully as Lower Canada, did give a Civil List; and what is the fact?

That, at this moment, the province of Upper Canada is in the enjoyment of its share of the royal revenues; and that the governor, the secretaries, and the judges of that province are also in the enjoyment, for ever, of an independent income, not controllable by an annual vote of the House of Assembly. The House of Assembly of Upper Canada performed their promise; but the House of Assembly of Lower Canada did not: and that is the reason why this country has been involved in all those enormous difficulties that at present exist, and out of which I confess I am not sanguine enough to say that I can clearly see how we are to escape. But I ought also to add, with respect to the situation in which the Government stands at this moment in Lower Canada, that it is not without resources out of which the governor and judges, and those persons whom successive Governments have believed to be proper objects of an independent provision, can be paid; because the Government have the whole of the territorial and casual revenue, and they have, also, 10,000*l.* a-year voted permanently by the Legislature of Lower Canada itself by two separate Acts since 1791; so that my Noble and Learned Friend is somewhat mistaken if he thinks that the Legislature of Lower Canada never had any power over the purse before the Bill of 1831.

LORD BROUGHAM.—Not a complete control.

The EARL of RIPON. — No, not complete, certainly, because there were still those two resources of which I have spoken. But, in point of fact, subsequently to 1791, the Legislature of Lower Canada passed two laws, giving to the Government two sums of 5000*l.* annually, for ever, for the purpose of maintaining the civil government in that colony. Those two sums, together with the revenues I have mentioned, would amount to not much less than 28,000*l.* or 30,000*l.* a-year. Although I admit that that sum is not sufficient to pay all the expenses which used to be defrayed, either out of the funds at the disposal of the Government, or out of the grants made by Parliament; yet, so far as regards those particular individuals, the maintenance of whose independence in their offices is considered essential, the Government unquestionably possesses the power even yet to pay them. With respect to the proposed address, I entirely concur in what has fallen from my Noble Friend (the Duke of Wellington). I do not feel any disposition to canvass it, or to object to its adoption; but I must beg to guard myself against being supposed to express any opinion whatever as to the scheme intended for the future, or as to the attempt to be made for the settlement of this question. I confess I know very little about it; for my Noble Friend (Lord Glenelg) has not explained it very fully. Perhaps, indeed, he did not consider himself called upon to go very fully into it. I shall therefore abstain from expressing even the slightest shadow of an opinion upon that part of the subject. I cannot, however, give my acquiescence to this address without expressly guarding myself as to another point involved in this debate, that such acquiescence on my part by no means implies any approbation of the course that has been pursued during the last nine months. I am sorry to say anything unpleasant of my Noble Friend and his colleagues, but I cannot bring myself to think that they have managed this question in a judicious or satisfactory manner. I admire the candour of the Noble Viscount at the head of her Majesty's Government, because he has stated, in a perfectly fair and manly manner, the matter about the troops, and has admitted that there is a great deal to be said on both sides; and he certainly does not appear to take any very strong ground to justify the course that has been pursued by the Government in respect to this branch of the question. For myself, I think that that course has been a most unfortunate one, and has very much contributed to occasion that explosion which has taken place in Lower Canada, and which involves the necessity of those measures that are now suggested. It is evident that it is the intention of the Government now to send out troops to Canada. That intention was communicated by my Noble Friend (Lord Glenelg) to Lord Gosford on the 6th of March, 1837. Well, on the 22d of March my Noble Friend again wrote to Lord Gosford, and said:—"Since I made my communication (of the 6th) to you, I have ascertained that it would not be possible to detach such a force without extreme inconvenience, and making a demonstration which might be productive of much greater evil than it could prevent;" and then my Noble Friend suggested that, in New Brunswick and Nova Scotia, there were between 2000 and 3000 men who, in case of need, might be drawn from those provinces.

Now, it has been stated by my Noble Friend (the Duke of Wellington), that it might be proper to give power to remove those troops, but that he could not conceive a more obvious policy than that of filling up the vacancy which the removal of those troops would create. But to what is this inconvenient pressure, of which my Noble Friend (Lord Glenelg) speaks, to be attributed? I find that Lord Gosford, when writing on the 10th of June, not long after he received the second letter of my Noble Friend, in which he said there were particular reasons against sending out additional troops, stated—that he had sent to Sir Colin Campbell for a part of the troops stationed at Halifax; adding, however, this passage:—"I must repeat that these steps would not be dictated by the apprehension of any serious commotion, for I have every reason to believe that the mass of the Canadians are loyal and contented; but from the persuasion that the presence of a large military force in this province might of itself"—do what? Increase the difficulties already existing? Increase the chances of the disaffected succeeding? Make the Government of Lower Canada less able to promote tranquillity? Not at all; but that it would "prevent the occurrence of any disturbance by deterring the ill-disposed, securing the wavering, and giving confidence to the timid." Why, if the state of Lower Canada was such that the presence of additional troops was wanting there, because there were ill-disposed persons to be deterred, wavering persons to be secured, and timid persons to whom confidence was to be given, ought not this to have led the Government to infer that the state of the province was such that it was not safe to leave it without having some power capable of overwhelming the very first attempt that might be made to disturb the peace, and thus prevent those lamentable consequences of an insurrection which, whether successful or not, was certain to occur? As time rolled on, the necessity of such a course appears to have been constantly increasing. My Noble Friend (Lord Glenelg), indeed, in his despatches alludes to this fact himself, and describes the rapid progress of a disposition on the part of a portion of the people to revolt; but it does not appear that the necessity of increasing the number of troops in the colony had at all crossed his mind. In consequence of no additional troops having been sent out Sir John Colborne was at length compelled to draw every soldier from the Upper province, in order to maintain his ground in the Lower province. It is true that Sir Francis Head, with the gallant spirit of an English soldier, took great credit to himself for volunteering to send away "all" the troops from Upper Canada, and he seems to think that it is a great thing in point of policy to show that the people of that province did not require the presence of any troops for the purpose of holding them to their allegiance, and to show also that there was no danger in that part of the country of a revolt. But the Gallant Officer was in error: that danger did exist. A Mr. Mackenzie, who has been so often spoken of, brought men together, and there was an actual turning out. Now it was impossible that he could have got together 500 or 600 persons to make an attack upon the city of Toronto—(though he was madman enough to do almost anything, for he is certainly the most absurd man that ever existed)—if any British soldiers had been there. But they were all gone, in order to put an end to the revolt in the Lower province, while the Upper province was left to take its chance. It turned out that Mr. Mackenzie was beaten, and fled to the United States, where he is amusing himself in all possible ways to stir up the people to aid the revolt, but where, as it is not likely he can be got hold of, he will no doubt long remain. What does all this show? That proper precautions had not been taken by the Government. No such disturbance could have happened in Upper Canada if Sir F. Head had not felt it to be his duty, for want of a sufficient force in Lower Canada, to deprive himself of the assistance of his own troops.

There is another point to which I will shortly advert. In the Upper province Sir F. Head relied much upon the militia in maintaining order. In Nova Scotia and New Brunswick the militia was also relied upon to maintain tranquillity; but this was not found to be the case in Lower Canada. Lord Gosford felt himself called upon to dismiss a great number of the officers of the militia, and among others the great agitator, or whatever he is called, M. Papineau, who happens to be a militia officer: and I think it is a very doubtful thing whether Lord Gosford would have considered it prudent to have called out the militia on his own authority, in order to act with the King's troops.

VISCOUNT MELBOURNE.—He would not be justified by the law of the colony in calling for their assistance, unless in a case of actual foreign invasion.

The EARL of RIPON.—The Noble Viscount opposite says that, according to the existing colonial laws, Lord Gosford could not call for the assistance of the militia, unless in the case of invasion by an external power. But in my estimation, exactly in proportion as there was a difficulty, either in consequence of the existing state of the law, or of the want of a favourable disposition upon the part of the militia themselves, so was it imperative upon the Government to provide a large military force. For these reasons I cannot help conceiving that this matter has been by no means dealt with in the way in which it ought to be. And although I do not absolutely ascribe the breaking out of the rebellion to the want of troops, no person can surely dispute that, in insurrections of this description, the madness and folly exhibited usually by the people are so great, that they frequently make the most absurd and hopeless attempts to overpower the constituted authorities by open force. In conclusion, therefore, I beg to observe, that if any Government apprehended the possibility, much less the probability, of a revolt — and even the latter it would appear from the despatches that they had every reason to apprehend — it must surely have been their duty to provide the most efficient means for combating any rash attempt which might be made.

The MARQUESS of LANSDOWNE. — I feel it necessary to observe, in reference to the remarks which have fallen from my Noble Friend opposite, upon the subject of the withdrawal of the troops from Upper Canada, that my Noble Friend would have done well to advert to the fact that Sir Francis Head, who has so successfully defeated the machinations of the insurgents in that province, was himself the author of the suggestion that the military should be removed, before any application was made upon the part of Sir J. Colborne; and that, furthermore, Sir Francis Head attached the greatest importance (and was perfectly justified in taking this view, as appeared by the result) to the policy of exhibiting, not only to Canada, but to England and the world, that such was the loyalty of the vast majority of the inhabitants of Upper Canada, such their attachment and close adhesion to the parent state, that without the aid of a single sentinal (for he even sent away the troops which constituted his personal guard) he was able to resist any attempt which might be made upon the seat of government in the Upper province. From the tone of his despatches, I feel confident that Sir Francis Head was rejoiced at the opportunity which their absence afforded of exhibiting that proof of a prevailing spirit, since manifest in the speedy withdrawal of Mackenzie, who is now a fugative in the United States, and unable, even without soldiers to oppose him, to make head for one moment against the loyal inhabitants of Upper Canada. I will not allude to the withdrawal of the troops from Upper Canada and Nova Scotia, except for the purpose of observing that, as my Noble Friend remarked, the question is one which has two sides, and that the side which should be taken in considering it is one which is favourable to her Majesty's Ministers. To make this manifest, little else appears to me to be necessary than to call the attention of your Lordships to the fact that Lord Gosford has held the power of withdrawing the troops from Halifax; and that, enjoying the right of sending for two regiments, he has, in point of fact, judged it expedient to send only for one in the first instance.

After what has fallen in such candid terms from the Noble Duke opposite, who has spoken upon this question in a manner which does him infinite honour, and and in that spirit which he has always consistently displayed in similar circumstances — a spirit of anxiety to yield his cordial support to her Majesty's Government whenever an emergency like this arises—I would not trouble your Lordships with any further observations, were I not anxious to remove an impression which appears to exist in the Noble Duke's mind, and which I believe I shall have little difficulty in convincing him is unjust. The Noble Duke, in reference to the communication made to your Lordships' House upon the subject of the Canadian affairs, has expressed his desire to have seen that communication made in the shape of a message from her Majesty, as a course which would have been more conformable to precedent. It is, no doubt, desirable to adhere to precedents in all cases in which such adhesion is practicable without involving inconvenience. I can most sincerely assure the Noble Duke, that it is not because we are unimpressed with a consciousness of the importance of the occasion upon which we appeal to Parliament for its assistance that the usual precedents have been departed from in this instance, but solely from the circumstance of the occurrence which renders this appeal necessary having happened immediately before an adjournment of both Houses, which it was impossible to avoid, almost every Member having left town, or made preparations for his removal. If a royal message had been delivered at the same period with the former address, it would have been impossible to act on it immediately, and it was solely with a view to give more importance to the question and ensure the attendance of Members that a communication of papers only has been made, in the first instance, to enable Parliament to judge of the contents of these documents, and to assure her Majesty of their co-operation at the earliest possible period after our re-assembling. The Noble Duke has expressed himself satisfied with the declarations of my Noble Friend near me (Viscount Melbourne); but he has at the same time expressed his regret that symptoms have been, on a former occasion, exhibited by her Majesty's Government of the absence of a strenuous desire to support the Queen's authority in Lower Canada. Upon this I can only observe, that great and bounden as is the duty of Government to give a decided support to her Majesty's loyal subjects in that province, who, I firmly believe, will be ultimately found to constitute the majority, I believe it will be also admitted, upon the part of Parliament, that our first duty in the present instance is to re-establish her Majesty's authority in that colony. Whatever may be the result of these discussions, in which we have been so long engaged, and in which we are about to become re-engaged with the Canadians, — whether they terminate in the re-establishment of the former constitution or in the concession of a new one, or, unfortunately for the Canadians, and prejudicially for the interests of this country, in separation — though this is a result which I see no reason to apprehend — it is clearly essential to the character of this country that her Majesty's authority should be in the first instance established through the agency of that Nobleman who, fortunately for himself, I hope, and fortunately for the country, has consented to undertake this delicate service.

But the question relating to the constitution of these colonies is one which cannot be safely mooted, until, the authority of the Government and the laws having been restored, the discussion can be entered on legally, soberly, and tranquilly, with due attention, and in the proper spirit. I am firmly impressed with the conviction which I have before taken occasion to express, that the vast majority of the population of Canada is attached to the Government of this country; and, for my part, I do not regret that any symptoms of delay or hesitation should appear in these papers, indicating a disposition upon the part of the Queen's Government to adopt conciliatory measures. I firmly believe that this course of conciliation has produced a beneficial result. I believe that the system of concession, pushed to the utmost verge of reason, and attentive to all the real sentiments and wishes of the inhabitants of that country, has been successful, if not in detaching — at least in affording moral support to — many individuals in that country who might otherwise be found at the head of the insurrection. It is owing to this circumstance that men of a very different character from Papineau and Mackenzie are not only not now found leading the discontented, but are known to have receded from the ranks of insurrection, previously to the breaking out of that desperate measure, at the instigation of Papineau and his associates.

The Noble Lord who last addressed your Lordships has stated, most truly, that the Noble Duke opposite did, to a certain extent, prophesy that the present state of things would arrive in Canada. The Noble Duke did certainly prophesy that the House of Assembly would ultimately arrive at the point of declining to vote the Civil List; but it is also unquestionably true, that if that body had proved the existence of any real grievance, of any one palpable abuse calling for a remedy, the attention of Government would have been immediately directed to its removal. And if, from their numerous speeches, petitions, resolutions, and remonstrances, as well as from the examinations of their witnesses deputed for that purpose, any one thing positive and substantial can be collected, it is, that if the control over the colonial revenues, which they desired (and which they subsequently obtained) were granted, all their wants would be satisfied; and that these "ill-used persons," as they are represented by the Noble and Learned Lord who sat on the bench below me, would gladly accept that arrangement, because the settlement proposed they stated to be a monument of human wisdom, embodying all their wishes and all their hopes. And yet my Noble Friend, who has spoken for nearly three hours to-night, never once adverted to these circumstances, nor to the fact that all the former demands of Canada have been conceded; and that it is under the sole and immediate influence of a party which has raised new and unreasonable demands that all these calamities have arisen. I regret that I am deprived of the opportunity of adverting to these circumstances in my Noble and Learned Friend's presence. My Noble Friend has distinguished himself during the course of this evening more than even Papineau or Mackenzie has done; and he has also acted like them —in running away. It is not without some embarrassment that I feel constrained to allude in terms of disapprobation to some portions of the Noble Lord's speech, in his absence.

I cannot, however, refrain from observing, that I never was more astonished than to hear that Noble and Learned Lord maintain that which has been maintained by persons very much his inferiors out of your Lordships' house, namely, that there is anything like a resemblance between the present question, in respect of the Canadians, and the resistance which was made by the inhabitants of the United States upon the occasion of the memorable declaration of independence. The circumstances of the two cases are totally different; and the resistance in the one case commenced where in the other case it ends. The parity which the Noble and Learned Lord has sought to establish between these two cases, reminds me of that which the famous Captain Fluellen endeavoured, with memorable pertinacity, to institute between Alexander the Great and Harry of Monmouth, — a parallel which he founded upon the ingeniously-detected coincidence of there being " a river in Macedon and a river in Monmouth ;" and made quite satisfactory to himself by means of the additional circumstance, that Alexander quarrelled with his friend without a reason, and Harry of Monmouth with a reason. The resemblance which the Noble and Learned Lord has sought to establish in the present instance, is based upon quite as substantial analogy! The Atlantic divides Canada from England, and it also divides England from the United States. There is a House of Assembly in Canada, and there was also a House of Assembly in the United States. The analogy is, therefore, according to the Noble and Learned Lord, conclusively established. Unfortunately, however, for the truth of the resemblance, it fails in this important particular,—that, in the case of the United States, the right of controlling their taxation was disallowed, while in the case of Lower Canada it would have gone on for ever, but for the absurd interposition of the House of Assembly. But I should have a very different opinion from that which I now entertain as to the issue of the present contest with the Canadians, were we not determined that there shall exist in that colony a free community, and a free people; for I am happy to say, that it is the genius of the constitution of England, wherever it maintains a connection with colonies flourishing in trade and commerce, to communicate to them, to leave to them, or, if they have them not, to provide for them, the means of enjoying practical freedom, and of regulating their own local and domestic concerns. But in the colonies, as at home, there are various parties to this contract; and it ought never to be forgotten, that if the colonial House of Assembly has duties to perform, so also has the Crown.

The Noble and Learned Lord has spoken this evening, as if the only object in granting to the colonial assemblies the power of giving supplies was to enable them to refuse those supplies whenever they cannot carry any political object on which they have set their hearts. Now, the main objects of a constitution are to insure justice between man and man, to advance improvement, to promote education, to diffuse intelligence, to make roads, and to conduct all the affairs of the community, — all which, not once, but systematically, the House of Assembly of Lower Canada has refused to do. If it is to be contended that the House of Assembly has a right to do this, it may be as well contended, that, if the Crown were to order its troops, which it has a right to control, to stand still when Canada is invaded by a hostile force, or when the property of its inhabitants was attacked by a riotous mob, it would have a right to do so; for it may say, " You have not done what I wish;—you have not acceded to my political wishes, and therefore the enemy shall ravage your country, and the mob shall spoliate your property." I contend that the mode in which the House of Assembly has exercised the privileges granted to it under the constitution of 1791, is a mode calculated to defeat the end of all government. And when I find the House of Assembly, on the one hand, repeatedly refusing to perform its duties, and the Executive Government, on the other, repeatedly in collision with it, I cannot help thinking that a case is made out for reconsidering this constitution,— not by convening delegates, as has been stated, for the purpose of making an entirely new constitution, but by convening, under the authority of Government, individuals from the existing Legislature, if there be one, and from the community at large, if there be not, in order to elicit the opinions of that community, and to submit them, with a plan of an improved constitution, to the consideration of the Government at home. That, however, is a question which cannot be discussed on the present occasion, nor upon the Bill which is shortly to be introduced to the notice of your Lordships,—for this convention, if it is to be called by such a name, can be assembled under the prerogative of the Crown. In my opinion, it is impossible to discuss the case of Upper Canada as separated from that of Lower Canada; and I think that, in our future legislation, we ought to consider whether the measures intended for the benefit of the former are not also calculated to promote the interests of the latter province. I thank your Lordships for the attention with which you have listened to these observations, which I have felt it my duty to make, and I will not weary you by trespassing further upon your time.

The EARL of DURHAM.—My Lords, I think it necessary to address a few words to your Lordships, in the peculiar situation in which I stand at present; and I think it more especially necessary to offer them, now, because I do not think it consistent with my duty, having accepted the arduous office to which I have been appointed, to take any part in the debates that must hereafter ensue upon this subject. I wish, I repeat, to address a few words to your Lordships, in explanation of the principles which will hereafter influence my conduct in the discharge of the grave duties imposed upon me, and of the reasons which have induced me to accept the trust. My Lords, it is impossible for language to express the reluctance, the extreme reluctance, with which I have consented to undertake this duty,—to incur the great and awful responsibility which I know must attach to me in my endeavours to execute it; and I can assure your Lordships, that nothing but the most ardent attachment, and the most determined devotion to her most gracious Majesty's house and interests, and to the service of my country, could have induced me to place myself and my character in a situation, where I fear that I cannot answer the expectations of my Noble Friends, who have requested me to undertake this office, or even my own. The Noble and Illustrious Duke, who has spoken with so much candour to-night, has stated that he regrets to hear that the object of these measures, which your Lordships are now called on to consider, is merely the support of a particular party in Canada. It is not with that view that I by any means shall undertake the mission. I believe that my duty, in the first place, will be to assert the supremacy of her Majesty's government; to assert the dignity and honour of the British Crown, and to see that the law is carried into execution;—that it is not set aside in the remotest cabin, or in the most distant settlement: and I shall not conceive that I have done my duty, as long as there is the slightest pretence for considering that the dignity of the Crown, or the supremacy of the law, continues to be violated. Having effected these necessary and essential preliminary objects, I shall consider, without reference to party, casting aside all reflections that may concern either the British party or the French party in that country,—indeed, I know no French,—I can regard all, only as her Majesty's subjects,—having effected the necessary and essential preliminary objects to which I have adverted, I shall consider that I ought to extend protection to all,—to give justice to all;—that I ought to endeavour to protect as much the local rights and privileges of those who are the possessors and proprietors of the soil, as the great commercial interests which more nearly affect those who are called the British settlers.

The Noble and Learned Lord, at the end of his long and eloquent speech, has been pleased to say that I shall execute but a thankless task in carrying out with me the measure for the suspension of the Canadian constitution. I do not agree with him. I do not think that this measure, or any of the Acts of Parliament which are in contemplation, can be regarded in any such light. The constitution has already been *de facto* suspended, not by an Act of the British Parliament, but by the rebellion of the Canadians themselves. I consider, therefore, that I go there, not for the purpose of suspending the constitution, but for the purpose of endeavouring to provide, as well as I can, for the extraordinary state of circumstances which has been produced by the rebellious part of the Canadian community, and which has rendered it impossible for the constitution to continue in operation. These are the views with which I shall consent to undertake what I admit to be a great and awful responsibility—these are the views with which I shall enter upon the exercise of powers, greater, I know, than are usually entrusted to the discretion of an individual. Great and dictatorial as these powers are, I shall be anxious to lay them down at the earliest possible time. Believe me, my Lords, I shall endeavour to execute as speedily as possible this highly honourable, but most difficult and dangerous mission. As far as concerns the principal province, it would be my wish—and I implore my Noble Friends to give me the means of accomplishing it—to effect such a kind of settlement as should produce contentment and harmony amongst all classes, enable me to establish, not temporarily, but lastingly, the supremacy of the laws, and, finally, to leave behind me such a system of government as might tend to the general prosperity and happiness of one of the most important portions of her Majesty's dominions. If I can accomplish such an object as that, I shall deem no personal sacrifice of my own too great. I feel, however, that I can only accomplish it by the cordial and energetic support—a support which I am sure I shall obtain—of my Noble Friends the Members of her Majesty's Cabinet, by the co-operation of the Imperial Parliament, and, permit me to say, by the generous forbearance of the Noble Lords opposite, to whom I have always been politically opposed. From the candour and generosity which have distinguished the Noble Duke's remarks this evening, as well as upon all other occasions, I trust that he, and those who think with him, will give me credit for the good intentions which I feel, and will only condemn me if they find my actions such as shall enable them, consistently with their own character, to find fault. I will not trouble your Lordships further. I thought it right to state the feelings with which I enter upon this mission, and to explain to your Lordships that I go, not for the purpose of exercising that power, that species of discreditable power, as the Noble and Learned Lord calls it, which is to be vested in me; but, in the first place, to restore, I trust, the supremacy of the law, and, next, to be the humble instrument of conferring upon the British North American provinces such a free and liberal constitution as shall place them in the same scale of independence as the rest of the possessions of Great Britain, and as shall tend to their own immediate honour, welfare, and prosperity.

LORD GLENELG.—I shall trespass on your Lordships only for a very short time, in reply. I must be allowed, with my Noble Friend (the Marquess of Lansdowne) near me, to express my regret that the Noble and Learned Lord (Brougham) has been pleased to remove from the scene of action. *Abiit, excessit, evasit, erupit!* Having vented his thunders with no sparing hand, and having also heaped upon me those measures of wrath and indignation which seem to be inexhaustible in his mighty bosom, he has at length shown me, that having discharged his deadly bolts, he is capable, like the Thunderer, of veiling himself in clouds. I should have been glad to have returned my thanks to him for this, the first testimony of his friendship with which he has favoured me. I have been much in the habit of hearing the Noble and Learned Lord launch out his invectives and point his sneers at persons infinitely above me in character and station, and much more intimately connected with himself than I have the honour to be; but I am surprised at the unfailing vocabulary opened by him in his charge against me to-night; yet I confess, however, that the violence of the Noble and Learned Lord's invective falls with much less weight upon myself, from the circumstances to which I have allude; because I have seen it applied somewhat indiscriminately to others, not so much from opposition to any Noble Lord whom he chooses to attack,—as that, once engaged in the career of assault, the Noble and Learned Lord is carried away by that fervour of indignation which is the characteristic of his exalted mind. I am sorry to make these observations in his absence; but it is not my fault that he has removed himself from the House. He said it was with pain and sorrow that he had felt himself obliged to give utterance to the remarks which fell from him. If the Noble and Learned Lord were here, I should say, to his teeth, "Do not spare me your invective, but, for God's sake, spare me your pain and sympathy!" My Lords, I need not, I am sure, point out to you the contrast presented by the conduct of the Noble and Learned Lord, and the conduct of the Noble and Illustrious Duke who followed him in this debate. In the speech of the Noble Duke I recognised a mind—but in his presence I cannot express half what I feel at the candour and magnanimity of an address which was so consistent with all his own political views, and, at the same time, so generously candid to his political opponents. Yet this I must be allowed to say, that in the speech of the Noble Duke I recognised a mind strengthened by long habits of application to the great business of the country—a mind, careful of throwing bolts at random either upon this person or upon that, and, above all, not hinting vituperation which it dares not express — a mind anxious only to do justice to the great cause of this empire — anxious only to do justice even to his political opponents,—and anxious, by the same genius which he has already exercised in rescuing the country from danger, on another theatre,—to rescue it again in a different hemisphere from the possible diminution of its colonial greatness. I will not, in the absence of the Noble and Learned Lord, who, like his Canadian friends, has fled from the impending conflict, enter further into this contrast, — for I am sure that the less I say of it, the more it will strike all your Lordships who now hear me.

The Noble and Learned Lord observed, with respect to one particular point, namely, the composition of the Legislative Council, that, having declared, at a somewhat distant period, that that council should be reconstructed prior to the meeting of the House of Assembly, it nevertheless appeared, by the papers which have been laid before Parliament, that the commission for effecting that reconstruction was not sent out until the 22d of August. Now, if the Noble and Learned Lord had examined the papers thoroughly, he would have found in them the explanation of that delay. It was impossible for me to send out the commission until I had received from Lord Gosford the names of the persons who were to be inserted in it. Early in March last, Lord Gosford assured me that the names should be sent, and in two or three subsequent despatches I alluded to the want of them. Lord Gosford, however, could not send them because he found it extremely difficult, in the state of parties in the province, to select proper persons. The names did not reach me until the beginning of August. There was, certainly, no loss of time after the names arrived; for, in less than ten days, the commission was made out, a council held, and the despatch forwarded to Canada. Do not let it be supposed, as the Noble and Learned Lord has been pleased in his generosity to insinuate, that I mean by this explanation to throw any blame upon Lord Gosford. I am stating only what I am sure Lord Gosford would himself state, if he were here.

I must now refer to another topic which has been mentioned by the Noble and Learned Lord. The Noble and Learned Lord has said that he could not, for the life of him, perceive why this measure, which, in truth, ought to be applied only to a particular district, should be made general; and he was further pleased to observe, that whenever it suited my argument, I represented the whole colony as in a state of rebellion, and, at other times, spoke of it only as partially disturbed. I never, on any occasion, represented that whole country as being in a state of rebellion. I have always said, and the papers upon the table prove the fact, that the rebellion was confined to the district of Montreal. If I apply the measures about to be proposed, to the whole country, the reason is this: — that although the resistance to the laws and to the authority of the Crown has been limited to one district, yet that the conduct of the House of Assembly, as the representatives of the whole country, has been such as to render it impossible for the constitution to proceed; and I know not how it would be possible to maintain good government, or any government at all, in that country, if you confined your measures simply to the district which is now, unfortunately, in a state of rebellion.

EARL FITZWILLIAM. — The inference I draw from the observations made by the Noble Duke is, that no government can succeed in Canada unless it be of an arbitrary character.

The DUKE of WELLINGTON. — I never said that, nor anything like it.

EARL FITZWILLIAM. — I readily admit that the Noble Duke never said so; but I contend that it is a fair inference from his words to conclude that such was his meaning?

The DUKE of WELLINGTON.—No, no!

EARL FITZWILLIAM.— I certainly think that the Noble Duke opposite is in error in saying that Government has acted despotically towards Canada during the last few years. Great injustice will be done to those who have ruled this country for many years past if the blame of the present insurrection be laid on their shoulders. Your Lordships need not look to the present nor to the last Administration for the seeds of this rebellion; they must be sought for in a much more distant period. I beg, however, not to be included among those who doubt the success of the intended mission to the Canadas. When I consider the character of the Noble Earl who is to be entrusted with that mission, I am quite persuaded that his measures will be conducted in that constitutional spirit from the observance of which alone can any advantageous result be expected.

The DUKE of WELLINGTON. — I beg just to state, by way of explanation, that I did not mean to characterise the colonial policy of the present or preceding Administrations as despotic. What I said was, that in neglecting to provide, by the Act passed in 1831, for the pecuniary independence of the Canadian Government, and to secure the political independence of the judges, the Government of that day failed to establish the British constitution in the colony.

The question was then put, and resolved in the affirmative; and the address was ordered to be presented to her Majesty by the Lords with white staves.

PAPERS, &c.

Account of the amount of sums received annually by the Accountant General of the Court of Chancery, under the provisions of the Act of 3 & 4 W. IV. c. 94., and of the amount of the sums paid annually for salaries and otherwise thereout, from the 25th November, 1833, to 25th November, 1837. — Delivered (pursuant to order of the 19th December last), and to be printed.

Account (in continuation) of all sums of money awarded by the Commissioners of Slavery Compensation, specifying the date of each order, the parties to whom the payment is awarded, and the colony or settlement in respect of which it is awarded on uncontested claims. — Delivered (pursuant to order of the 24th of November last), and to be printed.

Adjourned.

HOUSE OF LORDS, VENERIS, 19° DIE JANUARII, 1838.

APPEALS.

Alexander *v.* Macalister. — Set down for hearing.

De Burgh *v.* Clarke — Stewart *v.* Gibson. — To be heard on Tuesday next.

The EARL of SHAFTESBURY sat Speaker.

House adjourned during pleasure, and resumed by the LORD CHANCELLOR.

LORDS' ACT.

LORD ABINGER presented a petition for the alteration of this Act, from Charles Wright, of Ely Place, Attorney of her Majesty's Courts of Record at Westminster. — Read, and referred to the Select Committee on the Imprisonment for Debt Bill.

SLAVERY.

LORD FOLEY presented a petition for the emancipation of negro apprentices, from members of the dissenting congregation of Ashwood, parish of Feckenham. — Read, and ordered to lie on the Table.

CRIMINAL CODE.

The DUKE of RICHMOND. — My Lords, I beg leave to present a petition, which is important, not only on account of the subject of which it treats, but from its being signed by a great number of the acting magistrates of the county of Sussex. They complain that they are constantly compelled to commit persons for trial at the quarter sessions for petty stealing, and that such persons are frequently detained in gaol five or six weeks before trial, and when convicted the magistrates feel that they can award them only a very small punishment. The public, not being in the secret, naturally conclude that the offence is very trivial, or that the magistrates are too lenient. I was present when a man was tried for stealing a padlock, a tooth-brush, and some trifling articles, value sixpence. That man had been in gaol fifty days prior to his trial, and the magistrates consequently sentenced him to only one week's imprisonment. Now, it is a grave question whether these petty offences ought not to be visited summarily, and whether the petty sessions, which are now generally held in private rooms, might not be held on public days, and become public courts, for the trial of such petty cases, with the consent of the prisoner? The next point to which the petitioners respectfully call the attention of your Lordships, is the treatment of juvenile offenders, in respect to which subject I entirely concur with the petitioners. They state, and the statement is confirmed by the printed Returns before the House, that a very large number of persons under the age of fourteen or fifteen years are committed to the various prisons in this country for small larcenies. The petitioners are of opinion that it would be infinitely better, both for the public and the offenders themselves, if the magistrates had the power and opportunity of sending such juvenile criminals to some school of reformation, instead of being under the necessity of sending them to the house of correction, or committing them to prison to await their trial, however well-disciplined those places of confinement may be. What is required most is, that they should save young offenders from the evil example and influence of their older associates, by whom, in most cases, they are led into crime. The petitioners pray your Lordships' House to try the experiment, by causing some establishment of the kind to be set on foot. My Noble Friend at the head of the Council is aware that the plans adopted by the Refuge for the Destitute, and the Children's Friend Society, for the reformation of juvenile offenders, have proved to be most successful. Lastly, the petitioners ask your Lordships to direct your serious attention to the Acts which were passed last year. When those measures were before the House, I ventured to move a clause to the effect that none of the offences which were to come under the description of "capital" hereafter should be tried at quarter sessions. The House agreed with me, but the Bill came up so late in the session, that there was no opportunity to send it back to the other House to have the clause introduced. It is therefore, at present, left to magistrates to decide before whom persons charged with grave and heinous offences shall be tried. Such offences ought to be tried before the judges of the land. I do not wish to impose additional labour on the judges, but I think it would be more satisfactory if such cases were always put under their jurisdiction. I hope that her Majesty's Ministers will direct their attention to the matters touched on in this petition; but if they are too much occupied with other business, or are not agreed on the prayer of the petition, I shall hereafter move that it be referred to a committee of your Lordships.

LORD BROUGHAM.—I agree with the Noble Duke that this is an important subject; and that it is one which imperatively calls for inquiry, I think all who have listened to the Noble Duke will admit. I am one of those who supported those Bills which have diminished the amount of capital offences, and by which capital punishment is restricted to very few crimes; but I never thought that the change thus made in the law would have the effect of superseding the ordinary jurisdiction of the higher tribunals of criminal justice, and could transfer the administration of the law in those cases which have ceased to be capital to the magistrates at quarter sessions. Certainly I never understood that arrangement to be a part of the project. I think this subject ought to receive immediate consideration.

The LORD CHANCELLOR.—The subjects mentioned in the petition are, no doubt, of pressing importance; but the difficulty is, to know how to deal with them effectively. There should be some means of assistance afforded to the judges of assize.

LORD BROUGHAM.—No doubt it would be a very great convenience, if better assistance were afforded to the judges. But I think that all those cases which have been capital in theory, though not so in practice, should be tried by the judges, as they were before they were reduced.

LORD ABINGER.—I think the petitioners seem to have misunderstood their position, because the matter is left to their own discretion. The Bill of last year has made no transfer of the jurisdiction, and I cannot understand why the petitioners have complained, because, if magistrates choose to commit prisoners to the quarter Sessions, of course they must try them there.

The DUKE of RICHMOND.—In justice to the Magistrates of the county of Sussex, I must say, that they are very well aware that they have power to try any offence not capital, but it is not their custom to do so. They have made no complaint against the judges, who have no power to interfere with them by any order. What the magistrates complain of is, that the discretion is not removed from them, and that there is no fixed rule. Among fifty or sixty, or 100 magistrates, of course some will take one view of a case, and some another. I see, however, no reason why an Act of Parliament should not be passed to have certain cases tried before the judges. It is not the wish of the magistrates of the county of Sussex to relieve themselves from any trouble; but their object is to secure a better administration of public justice. It is perfectly well known that some judges on the circuits are constantly saying, "Why do you send this petty case before me?" While others will as often say, "Why was that case tried at the quarter sessions? why did you not send it up to the assize?" All that the magistrates want is some definite regulation on the subject, and one that will be binding, so that this matter may not be left to the discretion of individuals. I have no doubt that a Bill having this object in view would easily pass through the Legislature, and I therefore hope that the Government will introduce one, at an early period. If not, I must again take the liberty of bringing the subject under the notice of the House.

LORD WHARNCLIFFE.—I have no doubt that it is very desirable that great and capital offences should be tried by the judges of the land, and that a Bill of the nature recommended by the Noble Duke could be easily passed through the Legislature; and therefore I would suggest that a Bill should be brought in immediately for confining minor cases to the jurisdiction of magistrates, and sending great offences before the judges. There can be no doubt that a solemn trial before the judges would have a much greater influence than a trial at a quarter sessions of the Magistrates.

LORD ABINGER.—With reference to what has fallen from the Noble Duke, I beg to say that he has taken pains to show that the magistrates do not complain of the judges, but that they complain of each other,—many of the magistrates thinking that they are bound to save the public from expense as much as possible; now I should not be surprised, if such a Bill as that recommended were brought in, if we should hear an objection made, that the consequence of sending an increased number of cases to the assizes would be a proportionate increase of the county rate. Of course grave and heinous offences ought to be carried before the judges; but there are certain offences, not exactly of a petty character, but for which the punishments are fixed, that might be tried at quarter sessions.

The petition was then laid on the Table.

CANADA.

LORD BROUGHAM.—I hold in my hand a petition upon a subject which occupied much of your Lordships' attention last night,—the present unfortunate state of affairs in Canada. The petition is from the Baptist congregation of Romney Street Chapel, Westminster, deprecating the Canadian war; I have had, also, a petition to the same effect from the inhabitants of the metropolitan borough of Marylebone, unanimously agreed to at a numerous meeting convened by public advertisement. In the prayer of these petitions, and in the general feelings and principles which actuate these petitioners, it is unnecessary for me, after what has passed in this House, both last night and in the debate which took place last summer, to state more than that I concur most heartily and cordially in them. But I wish to apologise if I take this opportunity of stating the real cause of an omission on my part last night, which may betoken a want of respect, both to your Lordships and to my Noble Friends behind me. I understand that, last night, after I left the House, observations,—some of them in a vehement, others conveyed in a pleasant strain,—were made upon my accidental absence at that period. Now, I will state the cause of my absence. I had heard my Noble Friend at the head of the Government admit, that he had no defence to offer to the main charge which I felt it to be my painful duty,—I retain those words, notwithstanding the denunciation of them by another Noble Friend of mine (if after a night's repose, and refreshment, and rest, the Noble Lord will still permit me to call him so,)—in spite of the denunciation into which the Noble Lord worked himself up respecting that absence,—when I heard, I repeat, my Noble Friend at the head of the Government state that, with respect to the charge which it was my painful duty to bring, he was at a loss to defend or justify the Government, I really supposed that there was an end of the debate, and I found he was confirmed in that view,—in that mistaken view, as it now appears to be,—because another Noble Friend of mine, the President of the Council, having got up and presented himself to your Lordships, apparently with the intention of addressing the House, sat down again without doing so.

The MARQUESS of LANSDOWNE.—I gave way to the Noble Earl opposite (the Earl of Ripon).

LORD BROUGHAM.—I was not aware of that. I thought that there was enough to answer in what had been said by the Noble Duke; and from my Noble Friend not answering my first speech, I thought he might be the less able to answer my second one. However, having thus stated one reason for my going away, I must also add that, yesterday, I was only partially and slowly recovering from a severe indisposition; that I had been two days under medical treatment, and was desired, in this weather, to take great care not to expose myself at night. This further apology I have to offer to my Noble Friends, and to your Lordships, for the discourtesy I showed by leaving the House. But then I wish to consider whether my Noble Friend had any ground of complaint against me; or if any other Noble Lord had any ground of complaint, none had a less right than my Noble Friend the Secretary for the Colonies; for I have been informed upon all hands, that, if I had been present, I should have deprived my Noble Friend of the very best part of his speech in reply. Indeed, some of the admirers of my Noble Friend have gone so far as to say that my presence would have deprived my Noble Friend of the expression of the very best things he ever said in his life. I allude to that most remarkable saying of my Noble Friend,—that I was very like my friend Papineau, and others.

LORD GLENELG.—I did not happen to say that.

LORD BROUGHAM.—Then I have no right to complain; the Noble Lord says he did not make the comparison. I was not present myself, and I must have been misinformed; it was, however, so represented to me. I have also been told that my Noble Friend, in alluding to my absence, made use of not a very refined or courtly word, when he said that I had "bolted."

LORD GLENELG. — I did not say that.

LORD BROUGHAM. — Then I really begin to be afraid that I have been totally misinformed, and that my Noble Friend did not say any of those good things which his admirers, flattering my Noble Friend, told me were the best things he had ever said in his life. Now, I am very sorry for this, for it was a consolation to me for my absence, to hear that my Noble Friend had made such a good speech; but it now turns out to be a mistake, and that my Noble Friend only compared me with those persons in Canada who have gone across the line. Now, I cannot arrogate to myself the merit of any similarity of conduct to be compared with that of those rebels or resisting parties in the province of Canada; for I did not retire across the line — I did not leave my place or the House from any fear of her Majesty's troops — I retired across the line in consequence of the accidental circumstances to which I have referred. It does not, however, appear that I have got out of the way of her Majesty's troops; but here, however, I am again, ready to defend myself to the best of my humble abilities against any attempt by her Majesty's troops to put me down, as I hope they will put down those parties to whom I have been so unworthily likened. My Noble Friend, however, last night said that the Canadians had already received concessions, and were now only quarrelling about a further demand, which is unreasonable, and which they had never before urged, and that the present state of things was the consequence of yielding to their demands. But I showed, last night, the Canadians had not been given that which only they felt to be of real value — namely, an elective Legislative Council. It has been said, they have already received a great gift. This reminds me of the miser in the play, who says, "Thank God, I never gave any thing away in charity, except once a bad shilling to a blind man for holding my horse." That is exactly like what this country has given to those on the other side of the water. I rejoice in the great patriotism displayed by my Noble Friend (Lord Durham), in undertaking the mission with which he is charged. My Noble Friend last night stated that extensive powers were conferred upon him, and therefore I conclude those powers will include the authority to grant an elective Legislative Council; if they do not (I warn my Noble Friend, and those who send him out), if they do not give him that — the only power which will please the Canadians — they had better not send out any person at all. If my Noble Friend be going out merely to report and to receive fresh instructions, it will only be creating further delay; for the first thing he will have to report will be, that the Canadians will be satisfied with nothing short of an elective Legislative Council.

VISCOUNT MELBOURNE. — The reason alleged by my Noble and Learned Friend,—that of personal indisposition,—is quite sufficient to account for his departing from the House last night; but I apprehend that it is unusual for any Noble Lord, after making a speech animadverting upon the measures of the Government, to withdraw from the House without hearing the reply that can be given to those animadversions. I must say, with great deference to my Noble and Learned Friend, that if he had confined himself to the plea of indisposition, which was amply sufficient to account for the conduct he has pursued, and if my Noble and Learned Friend had omitted the other parts of his speech, and the other excuses it contained, which did not appear to me to be of the same strength, he would have pursued a much better course. I believe that I am rather an older Member of Parliament than my Noble and Learned Friend, but if I did not feel his superiority on this and other subjects, I should have attempted to offer him the advice,—not after he had retired to calculate, by inference, what might take place in the course of the debate, who might speak, or what might be likely to occur, for nobody can anticipate any of those facts,—but to do that which I am sure my Noble and Learned Friend would admit to be due to the House in general, and to those upon whom he had so severely animadverted in particular — to remain (except, of course, personal illness, which no man can avoid, should prevent him) and hear what might be urged upon the subject in the defence. The inconvenience of a contrary practice has been made evident from the course taken to-night by my Noble and Learned Friend, who, in consequence of not having heard what has so taken place, seeks to renew, afresh, the debate of last night, and to enter upon the arguments used on that occasion. Not only this, but my

Noble and Learned Friend has been led into a misapprehension of that which he really did hear, and which did take place in his presence. I certainly did state that I had conceded the point as to the not sending out troops last season; I felt that to be the most pressing part of the argument, the most difficult part of the case which the Government had to answer; but at the same time I stated that I considered this point to be perfectly defensible, and that there were just grounds for the course the Government had pursued in that respect. My Noble and Learned Friend has said that I maintained that course by no argument of any force or validity; of that it is for others to judge between my Noble Friend and myself. I, however, by no means admitted that there was not a complete defence for the course which the Government had pursued.

The petitions were then laid on the Table.

LIBRARY OF THE HOUSE.

Select Committee to consider of certain matters relative to the Library of this House, and to the papers and documents delivered for their Lordships' House; appointed to meet on Monday next, at four o'clock. The Lords following were named of the Committee: —

The Lord Chancellor.
The Lord President.
The Lord Privy Seal.
The Duke of Richmond.
The Duke of Sutherland.
The Marquess of Salisbury.
Marquess Cholmondeley.
The Earl of Devon.
The Earl of Carlisle.
The Earl of Shaftesbury.
The Earl of Radnor.
The Earl of Chichester.
Earl Amherst.
Viscount Gordon.
The Lord Bishop of London.
The Lord Bishop of Durham.
Lord Dacre.
Lord Carbery.
Lord Redesdale.
Lord Ellenborough.
Lord Lyndhurst.
Lord Plunkett.
Lord Melros.
Lord Rosebery.
Lord Skelmersdale.
Lord Langdale.

DUCHESS OF KENT'S ANNUITY BILL.

On VISCOUNT MELBOURNE moving the Order of the day for the House going into a committee on this Bill, —

LORD BROUGHAM said: — I will not again trouble your Lordships with any observations on this measure. I still retain my opinions upon it, and shall enter my protest against it upon your Lordships' Journals.

The Bill then went through committee, was agreed to without any amendment, and was ordered to be read a third time on Monday next; — and the Lords summoned.

Adjourned.

HOUSE OF LORDS, Lunæ, 22° die Januarii, 1838.

Lord Erskine took the oaths.

The Earl of Shaftesbury sat Speaker.

House adjourned during pleasure, and resumed by the Lord Chancellor.

ANSWER TO THE ADDRESS.

The DUKE of ARGYLL.—My Lords, in obedience to your Lordships' commands, I have had the honour of waiting on her Majesty with your Lordships' Address; and I have been directed to lay before your Lordships her Majesty's most gracious answer.

The Noble Duke then read the answer, as follows:—

"I thank your Lordships for the assurance of your determination to support my efforts for the suppression of revolt, and the restoration of tranquillity, in Lower Canada.

"I deeply regret the unhappy events which have taken place in that part of my dominions.

"It will be my earnest endeavour, with your co-operation, to make effectual provision for the restoration of order in that Province, and for the permanent welfare and security of all classes of its inhabitants.

"I have observed with great satisfaction the spirit which animates my loyal and faithful subjects in North America.

"Their zealous exertions in support of my authority, are entitled to my warmest acknowledgments."

CANADA.

LORD ELLENBOROUGH.—I rise to give notice that, to-morrow, I intend moving for a number of Returns relative to accounts connected with the North American provinces, and especially with Lower Canada. It is possible to obtain the greater part of the information I seek by looking, with considerable industry, to the different papers which have been already laid on the Table of the House; but no industry can give all the information I desire, and which it is extremely necessary that the House should possess. The papers to which I allude comprise,—

An account of charges incurred by the United Kingdom on account of the North American provinces, in each year from 1827 to 1837, both inclusive: Also,

Account, showing the value of all articles imported into the United Kingdom from each of the North American provinces, in each year from 1827 to 1836, both inclusive: Also,

Account, showing the value of all articles exported from each of the North American provinces to other British colonies and dominions beyond sea, in each year from 1832 to 1836, both inclusive: Also,

Account, showing the value of all exports from, and imports into, each of the North American provinces, in each year from 1832 to 1836, both inclusive, to and from all parts of the world, exclusive of the United Kingdom, and of the British colonies and dominions beyond sea: Also,

Account, showing the amount of duty levied in the ports of the United Kingdom, and of the British colonies and dominions beyond sea, respectively, upon each article imported from the North American provinces, and upon similar articles imported from foreign countries.

I wish, likewise, to have an

Account, showing the amount of tonnage and the number of ships belonging to each of the North American provinces, and the number of men employed in navigating the same, in each of the years mentioned: Also,

Account, for the same period, of the amount of tonnage, and of the number of ships belonging to the United Kingdom, and to the British colonies and dominions beyond sea respectively, employed in the trade with the North American provinces; together with an account of the number of men engaged in navigating such ships.

I should also be glad if another series of accounts were produced, which would have the effect of showing the financial state of those provinces,—namely, an account of the total revenue derived from taxes within each of the North American provinces, in each of the years above mentioned; specifying the taxes, and whether the same were imposed by Acts of the provincial or of the Imperial Parliament: Also,

Account, showing the net revenue arising within the province of Lower Canada, in each of the years above mentioned, and the application thereof; distinguishing the revenue disposable by the Crown from that disposable by the provincial Parliament, and specifying the application of the same respectively: Also,

Statement of the expenses of the civil government, and administration of justice in Lower Canada, for four years, from 1832 to 1835, inclusive; and also of the sums which would have been at the disposal of the Government, if the revenues of the 14 Geo III. c. 88. had not been given up: Also,

Return of the population of Lower Canada: Also,

Return of the population of the six united counties of St. Hyacinthe, Richelieu, Rouville, Vercheres, Chambly, and L'Acadie, of the city and county of Montreal, and of the counties of Two Mountains and Terrebonne: Also,

Copies of the titles of all Acts of the Legislature of Lower Canada, which have expired in the years 1835, 1836, and 1837, and of all such Acts of the same Legislature as will expire in the years 1838 and 1839.

Instead of moving for these accounts now, I will place the list of papers in the hands of the Noble Baron opposite (Lord Glenelg), in order that he may examine how far it will be practicable to produce these Returns.

LORD GLENELG.—I will look at the Returns, and shall be prepared, to-morrow, to give my opinion upon them.

NATIONAL EDUCATION.

LORD BROUGHAM.—I beg leave to present a petition from the mayor, aldermen, and burgesses of Carlisle, sealed with the seal of the corporation, in favour of National Education. The petitioners set forth, that a very large number of persons in this country are almost wholly destitute of the means of education, notwithstanding the exertions of private individuals to avoid so great a calamity,—that the system pursued at schools is highly defective, and that the demand for knowledge can only be adequately answered by improving the mode of education to be obtained, by the adoption of some national plan, based on sound and equitable principles. I will take this opportunity of correcting a mistake which has gone abroad relative to a provision in the third clause of the Bill, now waiting for a second reading. Many persons have unaccountably supposed that clause to give to the board of commissioners a privilege of establishing schools without the consent of the local authorities. Now, the Bill not only does not give any such privilege, but it actually restrains the power already possessed, not only by the board of commissioners, but by any person or persons to whom the Lords of the Treasury shall choose to confide the application and distribution of the grant. The power of the Treasury in this respect is at present absolute; they are obliged to account for the sum voted, but not in any way to account for the manner in which it has been applied. I am glad to have an opportunity of setting the mistake right; and, in order that it may not again arise, it is my purpose to make some alteration in the words of the clause.

The petition was then read, and ordered to lie on the Table.

LOWER CANADA.

LORD BROUGHAM.—I hold in my hand a petition from the citizens of Edinburgh; to which I earnestly entreat your Lordships' attention. The meeting at which it was agreed to was highly respectable in regard to the station and character of those who attended it, and was besides extremely numerous. The petition is in behalf of our fellow-subjects in Canada, who complain, as the petitioners think, most justly, of the grievances under which they labour, and instance the series of resolutions passed in this and the other House of Parliament. The petitioners express a very strong and a very unfavourable opinion of those resolutions, particularly of that one which authorises the seizure of the public money of Canada; and they pray your Lordships to take such steps, as you may in your wisdom think proper to adopt, for remedying the grievances complained of. I am informed by the individual who presided at the meeting, that the petition was unanimously agreed to.

Read, and ordered to be received as the petition of W. O. Gillon (the chairman), who only has signed it.

The Noble and Learned Lord then presented a petition to the same effect from inhabitants of Montrose.

Read, and ordered to lie on the Table.

POSTAGE.

LORD BROUGHAM.—I hold in my hand a petition from the manufacturers, bankers, and other inhabitants of Leicester, setting forth the necessity of some alteration in the establishment of the Post Office for the conveyance of letters, and the communication of information throughout the country. The petitioners strongly recommend your Lordships to give a trial to a plan upon the principles advocated by Mr. Rowland Hill.

Read and ordered to lie on the Table.

VOTE BY BALLOT.

LORD BROUGHAM.—I beg leave to present a petition from inhabitants of Talley. The prayer of it is that your Lordships will adopt measures to secure to electors a free and unrestrained right of voting in the election of Members to serve in Parliament.

Read, and ordered to lie on the Table.

PAPERS.

Fourth Report of the Commissioners of National Education in Ireland, for the year ending 31st of March, 1837. Delivered (by command), and ordered to lie on the Table.

Annual account of the amount of all Exchequer Bills, and other Government Securities purchased, or on which any sums have been advanced by the Governor and Company of the Bank of England, in the year ending 5th January, 1838; showing the amount undischarged on the said 5th January, 1838. And also, annual account of sums received and expended by the Commissioners for the Reduction of the National Debt, ending the 5th January, 1838.

Severally delivered (pursuant to Acts), and ordered to lie on the Table.

Adjourned.

HOUSE OF COMMONS.

PRIVATE BUSINESS.

Hereford Improvement; Walsall Market. — Petitions for Bills severally referred to the Select Committee of Petitions for Private Bills.

Ogley Hay (Stafford) Inclosure Bill. — Read a second time, and committed to Mr. Finch, and the Stafford list.

Joly's Naturalisation Bill. — Reported, without amendment; read a third time, and passed.

PUBLIC BUSINESS.

RETURNS, &c.

The following accounts were severally presented at the Bar; viz.: —

Bank of England. — Account of the amount of all Exchequer Bills, &c. purchased, or on which any sums have been advanced by the Bank of England, in 1837 (by Act).

National Debt. — Amount of sums received and expended by the Commissioners in 1837 (by Act).

PUBLIC PETITIONS COMMITTEE.

Fourth Report brought up by Mr. Freshfield, and read. — To lie on the Table, and to be printed.

MISCELLANEOUS PETITIONS.

The following petitions were severally presented; viz.: —

Postage Duties, — By Mr. Tancred and other Honourable Members, for reduction of, — from Leicester; Banbury; and Nairn. — Referred to the Select Committee on Postage.

Ballot, — By Mr. Grote and Mr. Maule, in favour of, — from Chapel-en-le-Frith; King's Lynn; Presteign; and Clonegal and Kildavin.

On presenting the petition from Lynn, **Mr. GROTE** said: — I beg to state that to this petition there are appended no less than 600 signatures, being the greatest number of signatures ever known to be put to any petition from the inhabitants of that town.

Marine Insurances, — By Mr. Ord, — from Newcastle-upon-Tyne, for repeal of duty thereon.

Lower Canada, — By Sir Samuel Whalley, Mr. Leader, Mr. Hume, Mr. Harvey, and Sir William Molesworth, against the war, and for redress of grievances, — from St. Pancras (churchwardens and vestry clerk); Paddington; Kettering; St. James, Westminster; St. Martin, Westminster; St. Clement Danes, Westminster; Westminster; Chichester; Baptist congregation assembling at Romney Street, Westminster; members of the Working Men's Association of London; members of the Working Men's Association of Bath; members of the Cirencester Working Men's Association; Kingston-upon-Hull (inhabitants, two petitions); Kingston-upon-Hull (female inhabitants); and Edinburgh (chairman of a meeting).

On presenting the petition from St. Pancras, **SIR SAMUEL WHALLEY** said: — The petitioners express their deep regret at the delay, on the part of her Majesty's Government, in redressing the grievances of which the Canadians have so often, and for so long a period, complained. I must be permitted to observe, that while I concur with the petitioners in deploring the delay that has taken place, I cannot but express my regret that the course taken by the Canadians themselves renders it impossible for me to render them the support which otherwise I should feel disposed to do.

Mr. D. W. HARVEY, on presenting a petition, signed by 300 of the Radical Association of Kettering, in Northamptonshire, said: — The petitioners express their regret at the resolutions passed by the two Houses against the Canadians. They hope those resolutions may not be persevered in, but that they may be rescinded, and that justice may be done to the Canadians, and their wrongs redressed; and that the House will refuse any supplies for carrying on a war against the Canadas, which began in injustice, on our part, and may end in defeat and disgrace.

Mr. HUME, on presenting the petition from Edinburgh, said: — The meeting, at which this petition was agreed to, stated, through one of the resolutions upon which the petition was drawn up, that they were deeply impressed with the feeling, that it is for the interest of religion that this war should not be further prosecuted; and they recommend that, if the colonists cannot be ruled over by the mother country with their own consent, a peaceful separation should be effected as speedily as possible. I have only to say, that I cordially concur in the sentiments avowed by these petitioners.

Mr. GILLON. — Having acted as chairman at the meeting at which this petition was agreed to, I beg leave to state, that there was an unanimous feeling, on the part of those who attended it, against the continuance of this most unnatural contest.

Pensions Committee, — By Sir Samuel Whalley, — of the churchwardens and vestry clerk of St. Pancras, for adding the name of Mr. Harvey to the committee.

Education, — By an Honourable Member, — of the corporation of Boston, for the establishment of a national system of education.

Municipal Corporations (Ireland), — By Mr. Maule, — from Clonegal and Kildavin, for reform of.

Glasgow Cotton Spinners, — By Mr. Wakley, praying for the intercession of the House to procure a remission of the sentence recently passed at Edinburgh upon certain cotton spinners of Glasgow, convicted of conspiracy to raise wages, and assault, — from members of the Bristol Working Men's Association, and delegates and members of the London Trade Societies. On present the latter petition the Honourable Member observed: — Sir, these petitioners declare that they do not believe the evidence adduced on the late trial, that no reasonable person who has heard or read that evidence can come to the conclusion that any such intentions were ever cherished as those imputed to the accused and others. They also pray that the House will address her Majesty to grant the condemned a free pardon, or that it will institute an inquiry into the whole circumstances connected with the Cotton Spinners' Association. It was my intention to go into this question at some length on presenting this petition; but not seeing the Lord Advocate, or any of her Majesty's Ministers in their places, I will defer it till another opportunity; and I now give notice that on Thursday next I will move for an inquiry into the nature and constitution of the Society of Operative Cotton Spinners of Glasgow, and I hope that all those Members who believe the lately condemned parties guilty, will then attend.

Merchant Service, — By Mr. Dennistoun, — from 500 inhabitants of Glasgow, for adopting measures for examining and licensing masters, mates, and officers of merchant vessels.

Church of Scotland, — By Mr. Dennistoun, — of the chairman of a meeting of working men of Gorbals, against further endowments. The Honourable Member said: — If any further aid in this way should be granted, I can only say there will at once be an end of the popularity of the present Government in Scotland.

Negro Apprenticeship, — By Mr. Dennistoun, — of the chairman of a meeting of inhabitants of Glasgow, for abolition of the system.

Tithes, &c. (Ireland), — By Mr. Yates, — from Clonegal and Kildavin, for the abolition of tithes and ministers' money.

Hops, — By Mr. Darby, — from Mayfield, for repeal of duty on.

Severally ordered to lie on the Table.

RATING OF TENEMENTS.

Petition of guardians of the poor of the union of Luton, for rendering the owners of small tenements liable to the parochial rates. — Referred to the Select Committee on the Poor Law Amendment Act.

LOWER CANADA.

Mr. HUME. — Seeing the Noble Lord the Secretary of State in his place, I am anxious to know whether he has any objection to the reprinting of certain papers relating to Canada, as there are many Honourable Gentlemen, now Members of the House, who are wholly unacquainted (not having been Members of the former House) with the Report of the committee, and the evidence taken before that committee in the year 1834. It is very necessary that these Members should make themselves thoroughly masters of the contents of these papers before they come to a vote on the Canada question. I therefore move that the Report of the Commissioners upon the State of Canada (presented 20th of February, 1837), and Minutes of Evidence taken before the Select Committee on Canada Affairs in 1834, be reprinted.

LORD J. RUSSELL. — I have no objection to the reprinting of the reports of the evidence taken before the committee of last year, if there be not a sufficient number of copies for Members; but, at the same time, I cannot consent to any delay in bringing forward the Government measures respecting Canada.

Mr. HUME. — I have only to say, that in moving for these returns, I have no wish whatever to delay the proceedings of the Noble Lord on the Canada question.

Motion agreed to.

RETURNS, &c.

The following returns, &c. were severally ordered to be made, and presented; namely, —

Pawnbrokers, &c. (Ireland). — On the motion of LORD VISCOUNT CLEMENTS, returns were ordered, —

From the marshal of the city of Dublin, of the names and residences of all pawnbrokers in Ireland who have lodged with him certificates pursuant to an Act of the Irish Parliament, 26 Geo. III. c. 43. s. 40., with the dates on which the same were lodged respectively. Of the number of sums lent by each pawnbroker in Ireland, for each of the years 1832, 1833, 1834, 1835, 1836, and 1837, pursuant to the 41st section of said Act. Of the number and amount of penalties imposed during each of the years 1832, 1833, 1834, 1835, 1836, and 1837, on any pawnbroker who neglected to transmit to said marshal the monthly abstract of accounts, as required by last section, pursuant to the 42d section of said Act. Of the number of returns made by him to Parliament of sums lent by pawnbrokers in Ireland, for each of the last ten years respectively, pursuant to the 41st section of said Act. Of the number of notices of sales served by him, or by persons employed by him, in the years 1832, 1833, 1834, 1835, 1836, and 1837, respectively; together with the amount of fees received by him for such services during said years, agreeable to an Act passed in the Parliament of Ireland, 28 Geo. III. c. 49. s. 14. Of the amount of money received for goods sold by each of the four pawnbrokers' auctioneers of the city of Dublin, for the years 1832, 1833, 1834, 1835, 1836, and 1837, respectively; showing the amount sold by each in every calendar month during said years respectively, pursuant to the 18th section of said last mentioned Act. Of the number and amount of penalties imposed during the years 1832, 1833, 1834, 1835, 1836, and 1837, on any auctioneers who neglected to transmit to said marshal such accounts and monthly returns as aforesaid, pursuant to the said 18th section of the said last Act. Of the number of returns made by him to Parliament of amount of goods sold by pawnbrokers' auctioneers in Ireland, for each of the last ten years respectively, pursuant to the same section of said Act.

Returns from the town clerk of the city of Dublin, of the names and residences of all pawnbrokers in the city of Dublin, or within three miles thereof, who have lodged bonds with them; together with the names, residences, and occupation of their sureties, pursuant to an Act passed in the Irish Parliament, in the 28 Geo. III. c. 49. s. 21., and the dates of each of such bonds. Of the number and names of pawnbrokers in the city of Dublin, or within three miles thereof, who have taken the necessary oath before the commissioners of police, and have lodged said oath with such town clerk, pursuant to the said section of said Act.

Returns from each of the treasurers of counties in Ireland, of the names and residences of all pawnbrokers who have lodged bonds in his office, and the names, residences, and occupations of the securities named in such bonds, with the dates of such bonds, pursuant to an Act passed in the Parliament of Ireland, in the 26 Geo. III. c. 43. s. 14. Of the names and residences of all appraisers, valuators, or auctioneers, who have lodged bonds in his office, stating the names, residences, and occupation of their sureties, and the date of bonds, pursuant to the 31st section of said Act.

Returns from each of the town clerks of cities and towns in Ireland, of the names and residences of all pawnbrokers who have lodged bonds in his office, with the names, residences, and occupations of the securities named in such bonds, and the dates of such bonds, pursuant to an Act passed in the Irish Parliament in the 26 Geo. III. c. 43. s. 14. Of the names and residences of all appraisers, valuators, or auctioneers, who have lodged bonds in his office; stating the names, residences, and occupation of their sureties, and the date of bonds, pursuant to the 31st section of the said Act.

Return from each of the Grand Jury Secretaries of Ireland, of the names and residences of all persons appointed appraisers and auctioneers in Ireland; of their sureties who have lodged bonds in their office, and have taken the oath appointed to be taken, pursuant to an Act passed in the Irish Parliament in the 26 Geo. III. c. 43. s. 36, 37.

Poor Law Amendment Act. — On the motion of LORD VISCOUNT CLEMENTS, Return ordered —

Of the size, in square miles, of the several unions already formed by the commissioners of Poor Laws in England and Wales, together with the population in each, according to the latest census, and the number of guardians appointed for each, giving the totals of each, and the average number of square miles, of guardians, and of population to a union.

Upper Canada. — Copy presented, of despatches from Sir F. B. Head to Lord Glenelg, dated 21st of April, 1836, and 16th of July, 1836 (Address 17th of January).

Copy presented, of Resolutions received by the Colonial Office, passed at meetings held in Upper Canada, since March, 1837 (Address 17th of January).

Education (Ireland). — Fourth Report of the Commissioners of National Education in Ireland, presented (by Command).

To lie on the Table.

Lower Canada. — On the motion of Mr. GROTE, petition of John Arthur Roebuck, Esq., agent of the House of Assembly of Lower Canada (presented 17th of January), was read.

SIR R. INGLIS. — I must beg to call the attention of the House to the omission, in this petition, of the words "humble petition" or "humbly shows." I assume that that is entirely accidental, but it is a phrase which it has been the invariable practice of the House to require. If the petition had been presented from any ordinary person, I should not have thought it necessary to notice the omission; but as it is the petition of a Gentleman who cannot but be acquainted with the rules of the House, I think it right to advert to it. If, however, the Honourable Gentleman opposite will say that the omission was one of inadvertence, and not of design, I will not raise the question; but without such an assurance, I shall certainly feel it my duty to do so.

Mr. GROTE. — I am quite sure that it never was the intention of Mr. Roebuck, in preparing the petition, and most certainly it was not mine, in presenting it, to show any want of respect, or to make any omission of words which by the forms of the House are considered requisite. Until this moment I was not aware that the word "humbly" was required as essential to the proper wording of a petition; and it strikes me, unless my recollection very much deceives me, that I have myself presented petitions from persons who, perhaps, not being so well acquainted with the forms of the House as the Honourable Baronet, did not use that mode of expression, but who considered that they did their duty in respectfully addressing the House, and using such decorous language as became those who advanced petitions to Parliament. I am quite satisfied that it was not the intention of Mr. Roebuck to omit any form of words necessary to show that due respect which the House requires from other petitioners.

SIR R. INGLIS. — The Honourable Gentleman having stated that this omission was unintentional, I shall say nothing more respecting it. I must, however, be allowed to remark, that the only cases in which an exemption from the usual form of wording petitions is allowed, are petitions from Peers or Quakers. It is not my intention to urge this question as a breach of privilege; but I do think that a gentleman who has had the honour of a seat in this House, ought to be familiar with its usages, and address it in the same manner as is required from other individuals.

Mr. GROTE. — In pursuance of the notice which I gave on Wednesday evening, I rise to move ——

SIR R. PEEL. — Before the Honourable Gentleman makes his motion, I am desirous of saying a few words. I think that it will accord with the general convenience of the House to state that I shall take the first opportunity, when the Canadian Bill goes into committee, to propose several important amendments, and to take the sense of the House upon them. I propose to omit that part of the Bill which looks like a recognition on the part of the House of Commons of the summoning of a committee of conventional estates, or a committee of advice, or by whatever other name such a body may be called. I shall move the omission of any words which tend to sanction the idea that a body so convened should have a representative character. I do not mean to propose any restriction on the exercise of the prerogative of the Crown, but I wish to exclude any direct recognition or sanction of such a proceeding as that proposed by this House. I likewise mean to propose the omission of that part of the Bill which enables her Majesty in council to repeal this Act of Parliament.

Mr. GROTE. — I propose to move

"That J. A. Roebuck, Esq., agent of the House of Assembly of Lower Canada, be heard at the bar of the House against the Bill for making temporary provision for the government of Lower Canada, pursuant to the prayer of his petition." From the manner in which the few words I spoke on Wednesday evening were received by the House, I am induced to hope that I shall find no difficulty in persuading the House to grant the prayer of this petition. There seems to prevail among Gentlemen on both sides of the House, whatever may be their opinions of the policy or propriety of the Bill which was introduced by her Majesty's Government, an impression that it is nothing more than what justice requires, that the agent of the House of Assembly should have an opportunity of stating the case, as it affects the House of Assembly, before we come to a decision upon it. In the preamble of the Bill the House will perceive that, in point of fact, it is the sittings of the House of Assembly which this Bill proposes especially, in the first instance, to prevent. The House of Assembly is really the body, then, in Lower Canada, the most directly and materially interested in this measure. When it is proposed to suspend the constitution, in point of fact, the most material item in that constitution is the House of Assembly—elected by the people;—and therefore the suspension of the constitution has for its material feature the suspension of the sittings of the House of Assembly. It is impossible that any Gentleman here can feel how very much the people of Canada are interested in the question, as to whether the right of their representative assembly to hold their sittings shall be continued, or whether they are to be deprived of that privilege; and I am persuaded that when Honourable Members recollect how very imperfectly this House is furnished with information respecting Lower Canada, and how completely almost all the information laid before them comes from what may be called one side of the question; they must, at any rate, consider it impossible to proceed with perfect fairness and impartiality, unless they give the fullest opportunity to those who represent the feelings of the House of Assembly, and who are best acquainted with the political measures connected with that body, to set forth their case fully and unreservedly before the House.

It will also be in the recollection of the House, that the Noble Lord the Member for Stroud laid it down as the ground for introducing and recommending a measure so severe in its character, that there was an entire want of confidence in the House of Assembly, and he went into a statement of a series of proceedings, on the part of the House of Assembly, for many years past, tending to demonstrate that it had forfeited its title to the confidence both of this House and of the people of Canada, and was no longer worthy of having its legislative functions continued. Whether it appeared to the House that the Noble Lord laid before it sufficient evidence to justify that conclusion I do not intend to pronounce; but strict fairness and justice towards a body so vehemently accused, require that their agent, who is now in England, should have an opportunity of defending it against charges extremely painful to hear. I do not anticipate that any objection will be made, on principle, against hearing Mr. Roebuck at the bar; and, as to the question,—what is the proper stage of the Bill at which he should be heard, supposing the House should accede to the proposition of admitting him?—I believe invariable precedent has decided, that an agent appearing at the bar can only be heard after the second reading of the Bill shall have been agreed to.

It is not my intention to depart from the invariable practice which has been observed by the House on such occasions, and I shall therefore move, that Mr. Roebuck be heard on the second reading, or rather, after the second reading has been voted. I, myself, entertain very serious objections to the principle of the Bill; and, inasmuch as I should be sorry that, in proposing the present course of omitting to take any discussion on the second reading, I should be understood as giving an implied acquiescence in the principle, I think the convenient course by which a full and fair discussion of the principle would be ensured would be, that the debate should take place after the House shall have been put in possession of the facts and reasoning which Mr. Roebuck may think proper to lay before it. What I intend to submit, then, is, that the second reading of the Bill should be acceded to in a formal manner, and that the discussion of the principle should be taken on the question, "that this Bill be committed." I think that course would be found alike conducive to the convenience of the House, and also to the full and fair discussion of the whole measure, in principle and detail. I am quite persuaded that, if the House were to decide on the principle of the Bill, or were understood so to decide, without hearing the arguments of Mr. Roebuck, they would be guilty of the injustice of determining this question without hearing many of the most material points of evidence which bear upon it. I shall not detain the House further, but will at once move, that John Arthur Roebuck, Esquire, agent of the House of Assembly in Lower Canada, be heard upon his petition against the Bill "to make temporary provision for the government of Lower Canada," upon the second reading of the said Bill.

Mr. W. GLADSTONE.—I concur very much in the observations which have been made by the Honourable Gentleman who has just sat down, as to the general desire of hearing some individual in defence of the House of Assembly of Lower Canada, against whom this Bill is more especially directed. I know that before we agree to the principle, it is most expedient to hear some person possessing the knowledge which Mr. Roebuck can display on this subject; but, at the same time, I feel bound to protest against a motion which recognises Mr. Roebuck as the agent of the House of Assembly. The Honourable Member for London, on the last night when this matter was discussed, quoted the case of Mr. Limburner, in 1794, as a precedent for the proceeding which he proposes. It appears, however, to me, that the two cases differ in very material particulars. The first is this:—Mr. Limburner represented the whole province and its common interest. There was no division, no dissension as to the topics which he should urge. The second and more important point of difference was, that Mr. Limburner was unquestionably deputed by the community, or a large portion of it, representing the whole, and deputed *pro hâc vice* for that very case; but, in the present instance, we are called on to acknowledge Mr. Roebuck as pleading a general title of agency, from which he deduces a claim to act in defence of his supposed constitnents, and to be heard at the bar of the House.

I am not aware of the constitutional right of any province to appoint an agent with general powers and functions in this country. I am not aware that such a principle is admitted; and certain I am that, if it were, it would, in practice, lead to interminable confusion. What would be the result? If we give to the Assembly of Lower Canada the power of appointing an agent to represent them in this country, we could not refuse the same privilege to the Legislative Council. The consequence would be, that every colonial dispute and dissension, instead of being decided by the Legislature, which has properly jurisdiction over such matters, and, indeed, whose privilege it is to adjust them, would be determined upon by the colonial secretary, after hearing counsel on both sides. I will not now inquire whether this would be a good or a bad system of government: at all events, it is essentially different from that which actually exists; and would tend to the recognition of a principle by her Majesty's Government — for what reasons it is not my intention to scrutinise — which has never been sanctioned by this House. As regards the question of inconvenience, there is nothing which I should so much regret as to reject the prayer of the petition; for I think it is most desirable to hear what Mr. Roebuck has to offer. We have all listened to him on former occasions, in this House, and profited much by his accurate knowledge of the questions relating to Canada. I will also observe, that when he appeared in his place in this House, and possessed the confidence of the House of Assembly, he thought right to discharge functions which he has no right to undertake when no longer a Member. If he be qualified to appear as counsel, I see a strong case of equity for hearing him, as, individually, he possesses every quality which could enable him to perform the duty with effect. Should the House of Assembly wish to have an agent for a particular purpose, I do not deny their right to appoint one; but it is notorious that the House of Assembly is not now sitting, neither is likely that they will be convened for a long period.

Considering the course taken on former occasions; considering that, when the Municipal Corporations Bill was under discussion, counsel were heard against it at the bar of the House of Lords; and, considering the many precedents of a similar kind on which agents have been heard here, I cannot bring myself — whatever may be the amount of difficulty in principle — to refuse the present application. Considering, too, the incapacity of the House of Assembly to perform any act belonging to its natural functions, and the perfect right which they possess of deputing a person to oppose this Bill, I think it the better course, that the description of Mr. Roebuck, "as agent to the House of Assembly," should be struck out, and that this House should empower him, on their own authority, to appear on the mixed considerations which I have suggested. Nothing will induce me to recognise, without previous discussion, and a protest against its application, a title such as that preferred, which must lead to every sort of anomaly in practice, and throw the greatest possible difficulty in the way of conducting the affairs of the colonies.

LORD JOHN RUSSELL.—When this subject was submitted on a former night, I requested that its consideration should be postponed until this day, in order that the House might have an opportunity of considering the position in which Mr. Roebuck should appear. I am very glad, then, to hear the Honourable Gentleman who has just spoken state his view of ~~this question~~. I am glad to find the Honourable Gentleman concur in the opinion, that objections of a mere formal nature ought not to prevent the House from hearing the agent of the assembly on this important question. I should say, perhaps, that if this measure only partially affected the interests of Lower Canada, or interfered with some incidental points in its government, it might be proper to take the point of form, and to raise the question whether or not we ought to hear Mr. Roebuck in the character of agent. But, on this occasion, I own I am rather disposed to look at the position in which Mr. Roebuck has for some time stood. He states that, having the resolution of the House of Assembly, appointing him agent, he asked permission of the Secretary of State to see him. He does not give the answer which was returned to that application by the Secretary of State; and I do not believe, without making any positive assertion on the subject, that he was ever formally recognised as agent by the Secretary of State. But, at the same time, he was constantly received at the Colonial Office, to represent the affairs of Lower Canada on the part of the House of Assembly. Likewise, in an address of the House of Assembly with respect to the payment of certain contingencies, Mr. Roebuck's salary was included and agreed to by the Government. Such being the state of the case, I think it better, on the whole, that, on an occasion of so great importance, one so vital with respect to the House of Assembly, we should hear Mr. Roebuck in the character which he has assumed, not as agent for the province, — not as the agent appointed by a Bill consented to by the Governor and Legislative Council,—but as agent chosen by the House of Assembly to represent their interests. The Honourable Gentleman who last spoke proposes that we should, instead of this, hear Mr. Roebuck in his individual capacity. Now, I think that would be forming a precedent of much worse consequence than hearing him in his character as the agent of the House of Assembly. In admitting him in the character which he assumes, as agent of the House of Assembly, we only say, "On a question of very great importance, we consent to hear the agent appointed by the House of Assembly, who is paid a salary by them, and has been repeatedly received in this country in that capacity." But if we hear Mr. Roebuck as Mr. Roebuck, in his individual capacity, I think it might hereafter be fairly urged by any person, "I take a very great interest in the affairs of a certain colony, or in a certain Bill, and therefore I request to be heard at the bar of the House in opposition to it." I consider that this would be a worse precedent than the other, and therefore I agree with the motion of the Honourable Member for London. I believe that that Honourable Member has stated quite correctly, the course which it is expedient on such occasions to adopt, and which is this, — that the question should be put for reading the Bill a second time, and agreed to, in order that Mr. Roebuck should be heard; and afterwards that the opinions of the Honourable Member for London, or any other Honourable Member who takes a similar view, should be heard on the motion that the Bill be committed. With the understanding and limitation which I have suggested, I am ready to agree to the present motion.

LORD STANLEY.—If we could concur with the Noble Lord, in acquiescing in the acts of the Government of which he is a member, — I am aware that nothing could be urged against our admitting Mr. Roebuck to appear in his full capacity, as the representative of the House of Assembly. Because, not having the answer of Lord Glenelg, to which the Noble Lord alluded on the former evening (and it is rather singular that the Noble Lord has not taken the trouble to inspect the document, which would enable him to give the required explanation, after the adjournment of this question which has taken place), in which answer there may have been some qualification or reservation as to the character in which he was received at the Colonial Office, we have the admission of the Noble Lord, who says it is true that Mr. Roebuck has been frequently received by the Colonial Secretary as representing the feelings and opinions of the House of Assembly; and, moreover, that her Majesty's present Government have sanctioned a vote of the assembly for the specific purpose of paying him a salary. Therefore, so far as the present

Government is concerned, I hold that there is no question — there cannot be the possibility of a question — in their case, whether they recognise the agency of Mr. Roebuck, or not. But I must take the liberty of saying, that this very recognition, on the part of the Government, renders the protest which has been so ably and with such good feeling made by my Honourable Friend the Member for Newark, the more necessary; for I will take upon myself to say that, up to this time, no Government ever admitted the right of one branch of a colonial legislature to appoint an agent permanently resident in this country. I can speak for myself, and for the Noble Lord who preceded me in the direction of colonial affairs (Lord Ripon), — and I make this statement in the presence of a Noble Lord who at that time was Under Secretary of State for the Colonies, and who will be able to contradict me if I am wrong. M. Vigier, at that time, stood in precisely the same situation as Mr. Roebuck does now; and though he was frequently received at the Colonial Office as a person perfectly competent to speak to the affairs of the province, — received just in the same manner as a body of merchants of London would have been, if they wished to make any representation of their views to the colonial department, — yet I can, for my own part, and, I believe, also on the part of Lord Ripon, declare, that the Colonial Office declined to receive that gentleman, or any other, as the authorised and resident agent in this country of the Canadian House of Assembly. Canada is the only colony which has claimed the right of being so represented in England; it is the only colony that, upon a question involving great differences of opinion, has claimed the right of appointing an individual to represent one party, leaving the other wholly unrepresented. In the year 1828, the petition of the colony was, to be allowed to appoint an agent; and the committee recommended, that the colony should be allowed by Bill to appoint an agent. But from that time to this, in consequence of the peculiar circumstances into which the colony has been plunged, the House of Assembly and Legislative Council have never been able to agree as to the individual, because they never could agree as to the principles which were to be represented by the person to be armed with the authority and character of colonial agent. Now, I think it necessary to follow my Honourable Friend the Member for Newark, in the protest which he has made against the recognition of Mr. Roebuck as agent for the House of Assembly, or, rather, to pronounce it particularly well judged and opportune. The Noble Lord opposite appears in all respects to recognise the right of Mr. Roebuck to be heard in the character which he has assumed. If I were to follow my own judgment, and that only, I should have no difficulty in saying that Mr. Roebuck has no right to be heard. But if I were to consult the dictates of my feelings, I should say, " Give Mr. Roebuck every possible latitude."

The difficulty, however, in which I am placed is this, — that I am called on to hear Mr. Roebuck as agent; and that, under circumstances so peculiar as can hardly occur again in the history of the colony. If this were an ordinary transaction, affecting the whole province, and the intentions of the Government had been communicated to the Legislature of the province, then the ordinary and regular course would be for the House of Assembly to appoint an agent to support their petition, signed by persons residing in the colony, and praying to be allowed to be heard by counsel. The difficulty thrown in the way of that proceeding is, that there is neither time nor opportunity for consulting the Assembly. They can have no knowledge of the Bill before it is passed into a law; at any rate, they will have no notice of it before it is read a second time, and its principle confirmed by the House. I have therefore to consider between the difficulty of hearing a gentleman who assumes a situation which cannot be admitted without protest; and that, on the other hand, of debarring a body from being heard through a party who, I am convinced, faithfully represents their views. I have no hesitation in saying that Mr. Roebuck very accurately represents the feelings of the majority in Lower Canada; and, if the House of Assembly could be convened—(or if a great portion of them could make their appearance in Quebec at all) — I have very little doubt that Mr. Roebuck would be entrusted to appear at the bar with a petition signed on the part of the Canadians, individually and collectively, against the principle of this Bill. That being the case, against my judgment in an ordinary case, but not without a protest against the principle founded on the extraordinary nature of the present proceedings, — upon the knowledge that Mr. Roebuck does represent fairly the opinions of the Assembly, and that they have now no power of appointing a person to convey their opinions to Parliament, and especially on the ground that not a shadow of a pretext should be allowed to the Canadians to say, after we have concluded our legislation on this subject, that they had not a fair opportunity to be heard,—I feel that it would be wrong to refuse my consent to hear Mr. Roebuck (waiving the technical difficulty), not as a matter of course, but protesting against the assumption of the right in which he claims this indulgence.

SIR G. GREY.—Concurring in the conclusion at which the Noble Lord has arrived in the latter part of his speech, I trust I may be permitted to express a hope that the time of the House may not be wasted in the consideration of a question which the Right Honourable Baronet opposite (Sir Robert Peel) has admitted to be one of a very subordinate nature. I agree with the Right Honourable Baronet in thinking that the question raised is a very subordinate one; for I do not believe that any gentleman present,—considering the circumstances of Lower Canada, and the provisions of the Bill which has been brought in for its better regulation,—will object to Mr. Roebuck being heard. But when the Noble Lord (Lord Stanley) assumes that the Government have recognised Mr. Roebuck in a different capacity from that in which M. Vigier was recognised by himself, I must be permitted to dispute the accuracy of that statement. With regard to Mr. Roebuck's salary, it was never recognised as a distinct item by the Government, but was included in a vote of contingencies by the House of Assembly. But the Noble Lord having laid such stress on this point, perhaps I may be excused if I ask him why, as one of the confidential advisers of his late Majesty, he did not tender his humble advice to the Crown, recommending that the claim of M. Vigier for his salary as the agent of the House of Assembly during the time the Noble Lord was himself connected with the Colonial Office, should not be recognised; for I find that the salary of M. Vigier was then voted by the House of Assembly in the contingencies, was paid under a warrant from the Governor, and was afterwards included in a Bill of Supply, receiving the sanction of the House.

LORD STANLEY.—No, there never was a Bill of Supply passed with that object.

SIR G. GREY.—I believe I am so far wrong, and I give the Noble Lord the full benefit of the admission that there was no Supply Bill passed for that specific purpose. But, though the Supply Bill was rejected in 1833, yet the Report of the Committee of 1834 contained the despatch of the Noble Lord, adverting to the grounds on which he thought that assent to the Bill should be withholden; and I have a right to assume that every objection entertained by the Noble Lord to that Bill would be set forth in the despatch. Does it, then, appear, by that despatch, that it was made an objection to the Bill of 1833, that it included the salary of M. Vigier? And if it do not so appear, am I not bound to assume that, if the Bill had been submitted for the Royal Assent, the Noble Lord would not have advised the Crown to withhold its assent on account of its including M. Vigier's salary? I must throw myself upon the indulgence of the House for not having searched, to-day, as I had intended to do, for the answer addressed by Lord Glenelg to Mr. Roebuck, although my firm conviction is, that at no time has Mr. Roebuck been recognised at the Colonial Office in a different character than that in which M. Vigier was recognised by the Noble Lord (Lord Stanley). The resolution of the House of Assembly, appointing Mr. Roebuck its agent, gave that gentleman a claim to the courtesy of a reception at the Colonial Office; and Mr. Roebuck has never been denied an audience, whenever he wished to represent the feelings of the House of Assembly, or to state anything to the head of the department which he considered might be conducive to those interests which had been intrusted to his care. Neither is the door of the Colonial Office shut against any gentleman representing any interest in Lower Canada, and the agent of any commercial interest always finds ready access to Lord Glenelg, who listens to all their statements with that attention which he is bound to give to the observations of individuals who, though they may have no legal title, are yet, in point of fact, known to be the representatives of a great body of people. But when it is charged against the present Government, that they are about to establish an inconvenient precedent, I ask the Honourable Member for Newark why, when the late Member for Shrewsbury brought forward, in the last Parliament, a motion expressly aimed at Mr. Roebuck, having for its object to exclude from Parliament the paid agent of any colony, the Honourable Gentleman did not then rise in his place and state that Mr. Roebuck was the agent of the House of Assembly. At that time, the House of Commons, by admitting the fact, which, by a sort of special pleading, they might have denied, as fully recognised Mr. Roebuck in the character of agent, as has ever been done by the Colonial Office.

I perfectly concur with the Honourable Gentleman, that it is the duty of the House to guard against a precedent which may lead to inconvenience; but I am also fully persuaded that it would neither be politic nor wise to refuse to hear Mr. Roebuck on behalf of the Canadian House of Assembly against this Bill. In this, I believe, all are agreed. This, then, being the general feeling, I think we had better hear the arguments of Mr. Roebuck at once, rather than waste any further time in discussing this point as to what character he shall appear in at the bar. And I, for one, have no fear, after the notice the matter has received, that any inconvenience in the way of precedent will result.

Mr. C. BULLER. — I understood the Honourable Baronet to say, that he was unable to find Lord Glenelg's letter, in consequence of the great confusion that prevailed in the Colonial Office.

Several HONOURABLE MEMBERS. — No, no!

Mr. C. BULLER. — Well, the Honourable Baronet has forgot to bring the letter with him to the House; but I ask the Honourable Baronet whether it did not run, as I have reason to believe it did, somewhat in the following terms: — "Sir, seeing that you do not claim to appear here as agent of the province of Lower Canada, but simply as agent of the House of Assembly, I shall be happy to give you the interview you desire"? If such was the answer of Lord Glenelg, and I have reason to believe that it was, it becomes quite clear that Mr. Roebuck has been recognised by the Colonial Office as agent for the House of Assembly; and as it is in that capacity he desires to appear, and as it is the general opinion of the House that in that capacity he should appear, I cannot perceive the object of the present discussion. The only strong dissentient appears to be the Honourable Member for Newark, who is, however, willing to hear Mr. Roebuck in his individual capacity.

Mr. GLADSTONE. — No!

Mr. C. BULLER. — Well, then, if he appears in no capacity at all. This, however, would be establishing a most inconvenient precedent; for if Mr. Roebuck were to be heard on the present occasion, either in his individual capacity or in no capacity at all, there would be nothing to prevent a demand on his part to be heard on every other question the House might discuss. As far as I am concerned, I should, perhaps, have no objection to this, for I would much rather hear Mr. Roebuck speak than many of the Honourable Members of the House. As the Noble Lord (Stanley) has intimated that he does not mean to follow the dictates of his own judgment in this matter, by offering further opposition, I hope the present discussion will now cease.

SIR G. GREY — I stated, distinctly, that I had not made any search for Lord Glenelg's answer to Mr. Roebuck's application for an interview. I have no doubt that, had I searched for it, I should have found it. It is very possible that the answer is in the terms stated by the Honourable and Learned Gentleman; but circumstances of a private nature, over which I had no control, have unexpectedly prevented my attendance at the Colonial Office this day.

Mr. GLADSTONE. — I wish, also, to say one word in explanation. I did not recommend the House to hear Mr. Roebuck in his individual capacity; but I thought that the House might take on itself to do what it has as full a right to do as the House of Assembly, and make Mr. Roebuck an agent for the purpose of giving him a claim to be heard.

Mr. HUME. — Although the precedent appears to be in favour of Mr. Roebuck's being heard after the second reading, when, according to the understanding of Parliament, the principle of a measure is affirmed, I think, on the present occasion, he ought to be called in before the measure is advanced through that stage. As the great point in dispute is the principle of the Bill, Mr. Roebuck ought to be heard before we pledge ourselves to its principle by agreeing to the second reading.

Mr. GROTE.—If my Honourable Friend had attended to what has passed, he would not have thought it necessary to object to the second reading. It is not to be understood that in advancing the Bill through that stage we recognise its principle; the discussion upon which, as has been already stated, will be taken upon the question that this Bill be committed.

Mr. HUME. — I must protest against being committed to the principle of this Bill; and if it is understood that by reading the Bill a second time we in any way stand pledged to its principle, I shall oppose the motion. If, however, Honourable Members will be so obstinate as not to attend to the forms of the House, I can do no more than enter my protest.

The motion was then put, and agreed to.

On the motion of LORD J. RUSSELL, the Order for the second reading of the Lower Canada Government Bill was then read.

House informed that Mr. Roebuck was in attendance. Mr. Roebuck called in.

On the motion of LORD J. RUSSELL, the Bill was read a second time.

Mr. Roebuck then addressed the House as follows: — Mr. Speaker, perhaps it is requisite, at the commencement of my address to the House, that I should establish rather more formally than my petition has done, the precise position in which I wish to appear before you. I hold in my hand, Sir, an attested copy of a resolution of the House of Assembly of Lower Canada, appointing me their agent in this country; and if it shall please the House, I will hand in the attested copy of such resolution, to be read by their clerk. I also hold in my hand the letter of the Speaker of the House of Lower Canada, communicating this resolution to me, which letter, inasmuch as it contains some flattering expressions towards myself, I would rather hand to your clerk to read than read it myself. I appear, then, Sir, before you as the authorised agent for the House of Assembly of Lower Canada; and I do so under circumstances so very peculiar, that I hope they will, if all others fail, obtain for me the kind consideration of the House. Old associations may, possibly, induce me to forget, under the excitement of the moment, the unusual situation in which I stand; but as I trust my offences, if any there be, will be trivial, so, I hope, my pardon will be easily obtained. It may so happen that, in my address, I shall be obliged to use some strong expressions; if so, be it recollected that here, at the commencement, I claim the right to do so. I am here to accuse successive Administrations of bad government in the provinces of Canada — I am here to defend, against a Bill of pains and penalties, the House of Assembly of Lower Canada, and so defending them I shall have to accuse her Majesty's present Ministers of high crimes and misdemeanours. And inasmuch as I do not consider her Majesty's present Ministers as any portion of this House, I shall not consider myself bound to use towards them that respectful deference which I feel I owe, and shall at all times be willing to exhibit, towards this House; and in addressing you, Sir, as its representative and head, I shall studiously endeavour, as far as possible, to display the respect which I owe to the assembled Commons of England. This House has now before it two parties to be heard, — the House of Assembly of Lower Canada on the one hand, and her Majesty's Ministers on the other. A Bill of pains and penalties is now on your table — a Bill of pains and penalties against the whole people of Lower Canada, through their assembled representatives. And who suggests that Bill of pains and penalties? Why, Sir, I shall have to show that it is entirely suggested by the guilty parties, as I contend they are, in this transaction — by those who ought to be punished, and not by the House of Assembly. It will be my duty to prove to you, in the course of my address, that every act of the Assembly has been governed by the greatest wisdom; and that they have on all occasions acted on a just, wise, and firm policy; that they have advanced no demands which the interests of their constituents did not require of them to advance; that as they have successfully won for themselves, step by step, their demands, these have been acknowledged to be just, and that at the last, when you are now called on to pass a Bill of pains and penalties against these virtuous representatives of the people, I say you are called on so to do, not in consequence of any fault of theirs, but in consequence of a state of things that has been brought about by the vacillation, the weakness, the imbecility, and by the strange inconsistency of her Majesty's Ministers, and not by the misconduct of the assembled Commons of Lower Canada.

This, Sir, is the position in which I am placed; I have to throw myself before the House as the advocate of the absent — as the advocate of those whom every one seems to feel at liberty to accuse, and to whom every base passion and motive has been applied — as the advocate of those distant parties who are 3000 miles removed from us, and who are struggling amidst vast difficulties for the liberty and rights of their country; and I hope that I shall not plead in vain to the good feeling of an assembled body of my countrymen, when I ask of them to bear with me patiently, while thus, alone, against a host, I defend the absent and the weak against the strong. I endeavour to uphold the cause of those who have no other advocate than the humble individual who now appears before you, and who, by the Bill you have just read a second time, are about to be deprived of that liberty you would not suffer to be wrested from you, and who are about to be placed on a par with the abject and servile inhabitants of Hindostan, instead of being considered, as heretofore, free and popularly represented colonists of Great Britain. But, Sir, it may be said, that while I appear here as the advocate of others, I require a defence for myself. Such things may be insinuated of me out of doors — beyond the walls of this House it may be said that I myself require defence; — but however much such things may be said of me elsewhere — however much the epithets of "traitor" and "rebel" may be showered on me elsewhere, I am sure that in this House I shall not be so accused, because in this House, it is well known, I cannot defend myself. It may be said, also, that in this case I am an interested party — nay, it has been alleged that I am interested in obtaining a separation between the two countries, and in supporting the rebel colony against the imperial domination of the mother country. I, however, entreat Honourable Members to consider the peculiar position in which I stand, and then to ask themselves whether any part of my public conduct justifies such a suspicion. I, Sir, am an Englishman; my whole hopes are centered in this country. It is true I have many dear friends in Canada; and while I have no hopes out of England, I have a great interest in that colony. I have done all that lay in my power to maintain an honourable connection between the two countries. As long as that connection can be maintained with honour, no man in the world will do more to maintain it than I will; but if such a connection cannot be maintained without dishonour to the British name, I shall be the first to do all in my power to put an end to it. But I beg of the House to recollect, that all my interests are in favour of a connection with Canada; and, therefore, let no man dream or think that I rake up rebellion, or that it is my interest to do so.

Now, Sir, to proceed with the matter I have more immediately to address this House upon. I beg to say, and I do so purposely in the outset, that I am here to defend the House of Assembly of Lower Canada, alone. I have nothing to do with any other province — I have nothing to do with any other subject. I am not here to justify revolt: revolt must justify itself. I am not here to justify it under any circumstances. If revolt be successful, it justifies itself; if it be not successful, it must be followed by obloquy. Further than this I can make no distinction, and I know of none. I see rebellious Poland failing, and I do not justify Poland. And let me here observe, I am not one — I never was one — who would consent to pass Acts of Parliament for the support of rebellious rights. I look to Spain — I do not support rebellion there: I never did, and I hope I never shall. I look all round the world — I look to Belgium — and though England may have been bound by the most solemn treaties to maintain the connection between Belgium and Holland, the revolt of Belgium was successful, and therefore I hope and suppose it was rightly commenced. But, Sir, I, for my own part, cannot understand that nice distinction of morality which can feel a sympathy for the rebellious Poles, and can speak of them as if they were heroes, and yet, in almost the same breath, talk in terms of contempt and hatred of the poor peasants of St. Charles. It may suit some parties to say that the rebellion in Brussels was an heroic act, but that it fortunately failed in unfortunate Canada. It may suit some parties to say that they "have called into existence a new world," namely, the rebellious colonies of Spain, and in almost the same moment to pronounce a great abhorrence of rebellious Canada. It may suit some parties to extol to the skies the name of Washington, while they have nothing but calumny and insult to heap on that of Papineau. All this, Sir, is a species of facemaking morality which I cannot understand. I have nothing to do with revolt. All I have to show is, that the House of Assembly of Lower Canada is in no way connected with it. I will show that the parties who are endeavouring to put from their backs the weight of this rebellion, and who are guilty of the shuffling policy that would make men believe that a body of some eighty-seven or eighty-eight men, scattered through a district of between seven and eight hundred miles — that these, and these alone, are the authors of the rebellion that has taken place — that they alone are guilty, because they do acts which of necessity excite great feelings of distrust, and yet do nothing to show that the rebellion shall be fruitless. This, Sir, being placed before you, the parties who are to be tried are her Majesty's Ministers, on the one hand, and the House of Assembly on the other. I am about to prove to you that the House of Assembly is not only not guilty, but deserving of the admiration of their own constituents, this country, and the world, for the magnanimous stand they have made against the overwhelming power of Great Britain. I have to lay before you, Sir, a great number of facts connected with the history of Canada, upon which the House will have to decide whether the House of Assembly has acted properly or not. I shall go through the requisite statements with the view of showing that the Bill on the table is an unjust Bill. I shall then endeavour to show that the House of Assembly is guiltless of all the charges made against them — that the Bill is in every sense an impolitic one; and having done this, I shall endeavour to show that there is a method which, if adopted by this House, may put an end to all disagreements; but if it be decided to continue in the fatal resolution of acceding to the measure on the table, that war, misery, and every description of calamity will be the inevitable consequence — war in Canada, perhaps war over the world; and let not England be too sure that she shall not have war at home, also.

First, Sir, as to the injustice of this Bill. I will separate the history of Lower Canada into four epochs; the first from 1768 to 1810, the second from 1810 to 1828, the third from 1828 to 1834, and the fourth from 1834 to the present period. In the year 1774, by the Act known as the Quebec Act, French Law, with certain reservations, was restored to Lower Canada. Among the reservations to which I allude were, the English criminal law, the system of juries, and certain of the English rules of evidence. Now any lawyer, — and I see many before me, — may readily conceive the curious anomalies which this hotch-potch of legislation was calculated to produce. To a civil code, established on French principles, was tailed a criminal law, founded on those of England. During the war of 1774, it so happened that the English on the continent of North America were in open rebellion. There was a spirit abroad among the English of that country which refused submission to the domination of England. They exclaimed, "We cannot bear it any longer, — you are seeking to force upon us laws and maxims of legislation which are oppressive and tyrannical in their nature, and we will bear your domination no longer." In this emergency, what did we do? Why, we resorted to the French colonists as a counterpoise to the English; and we said to them, "Stand by us, and we will speedily put down the puritanical fanaticism of those fellows." In confirmation of this statement, I beg leave to quote a passage from a speech made by Lord Lyttleton in 1774, and I do so in order to show that there was a direct intention on the part of the Government of that day to create a French feeling in Canada, — a feeling which has since been denounced as mischievous and abominable; but which, nevertheless, was fomented and cherished as long as it suited the convenience of the Government to make use of it. In alluding to the apprehensions which were expressed of the increased power which this would throw into the hands of the French colonists, Lord Lyttleton observed that "he was not apprehensive of these consequences; but that, if British America was determined to resist the lawful power and pre-eminence of Great Britain, he saw no reason why the loyal inhabitants of Canada should not co-operate with the rest of the empire in subduing them, and bringing them back to a right sense of their duty; and he thought it happy that, from their local situation, they might be some check to those fierce fanatic spirits, that, inflamed with the same zeal which animated the roundheads in England, directed that zeal to the same purposes, — to the demolition of regal authority, and to the subversion of all power which they did not themselves possess; that they were composed of the same leaven; and, whilst they pretended to be contending for liberty, they were setting up an absolute independent republic, and that the struggle was not for freedom, but power, which was proved from the whole tenour of their conduct." And now, Sir, to counteract the mischievous spirit that then existed, what did we do? Why, we cherished that very French law against which I now hear persons prate, without understanding it; we cherished French feelings, which I now hear certain persons call mischievous and bad, and we did this in the hope of creating base prejudices in English minds. We did all we could to make the Canadians French at that disastrous period of our history. This is the first instance to which I would call the attention of the House. What is the next? Why, that, in the 18th of George III., when this House and the other House of Parliament, and all England, received a bitter lesson at the hands of rebellious colonists in their humiliating acknowledgment of that demand, which, had they admitted it at the commencement of the dispute, would have retained for them the fairest provinces of North America; but which, denied to the claims of justice, and only admitted to force, stands a record of our eternal shame, and, I fear, will not much redound to the fame of our justice. A declaratory Act was passed, by which it was declared there should be no levying of rates or taxes upon the colonists of Great Britain in North America, without the consent of their Legislature; and, in the year 1791, the solemn pledge was given by the assembled Parliament of England that there should be no levying of taxes, and no appropriation of revenues in Canada, except by the consent of the Canadian Legislature. This was in 1791. In 1794, communications took place between the Governor and the House of Assembly of Lower Canada, with respect to the revenues of the province. Now, I know this is a part of the subject which it may be somewhat difficult to make the House understand. The revenues of the colony were under three distinct heads: First, there were the revenues levied by the provincial Act of Parliament; secondly, the revenues levied by the British Acts of Parliament; and thirdly, there were the revenues raised from casual and territorial sources. The revenues derived from the provincial Acts of Parliament, it will not be denied, are under the control of the House of Assembly; but I am also about to lay claim to the revenues arising from the British Acts of Parliament, and also to the casual and territorial revenues. To these, I contend, the House of Assembly is entitled by the arrangement entered into by the then Governor, Lord Dorchester, who said to the House of Assembly, "If you will transmute the revenues which are raised by the British Acts of Parliament into a Civil List, to be raised by an Act of the Canadian Assembly, we will give up our complete control of the whole." This was in 1794: but the Royal Assent was not given to the Canada Bill at that time. It was given in 1796; and the pledge so solemnly given in 1794, by the Government of this country to the House of Assembly, was not redeemed till the 1st and 2d of William IV. passed; and I have been told in this House that it was a boon,—that it was something remarkably liberal on the part of the present liberal Government to redeem the pledge, —that the Government had done much more for Canada than Canada had any right to expect; and, therefore, that all that has been done by the House of Assembly had evinced baseness and ingratitude. No, Sir; it is England that has been unjust,—it is England that has broken faith; and, having done so, we are now doing nothing more than endeavouring to take advantage of our own wrong. I hope the House will excuse me for reading the correspondence to which I have alluded. It is exceedingly painful to myself, and I suppose cannot but be tedious to the House. The passage in Lord Dorchester's message to which I would now refer is this:—

> The Governor has given directions for laying before the House of Assembly an account of the provincial revenue of the Crown from the commencement of the new constitution to the 10th of January, 1794. First, the casual and territorial revenue established prior to the conquest, which his Majesty has been most graciously pleased to order to be applied towards defraying the civil expenses of the province.

I hope there will be some attempt to show the injustice of the demand of the House of Assembly to those revenues thus solemnly given up by the Governor, Lord Dorchester. I want to know wherein the injustice consists, and why the House of Assembly is to be assailed with every epithet which ingenuity can suggest for demanding control over the casual and territorial revenues. But, in the second place, Lord Dorchester further stated, that the duties levied on articles imported into Canada, and the revenue arising from the licences granted for the sale of spirits, would be given up as soon as the Assembly should have passed laws providing for the support of the civil government. There are various duties imposed by provincial Acts for the pay of officers of the provinces, and for other purposes. The message then goes on to state, that an account of all the monies taken out of the pockets of the Canadian people should be laid before the Assembly, with an account of the disbursements, together with the amount of the diminution of the colonial revenues by the expenses of collection; and that every circumstance of this very important part of their business and duties ought to be constantly before their eyes, so that, at the very outset of their constitution, they might guard those important branches of it from that corruption and abuse which had brought misery upon almost every nation. Now, was not this information, on the part of the then Governor, who, being himself an Englishman, was accustomed to a representative government, to persons who were not so accustomed,—was not this information, I repeat, sufficient to induce the House of Assembly to direct their attention and to keep it fixed upon the appropriation of the immense collections of the revenues of the province; and did it not contain solemn pledges on the part of the Government to give up the whole of the revenues of that province to the control of the House of Assembly? The House will see why I urge this topic so strongly: it is one of vital importance to my case; it is that control which the House of Assembly has claimed up to the present hour, and for the claiming of which they are now about to be punished by the Imperial Parliament.

Now, I have often heard quoted — I will not say where — the evidence given before the Select Committee which sat upon Canadian affairs in the year 1828. I will refer to the evidence given before that Committee by Mr. John Neilson, who has taken a very important part in these transactions. In his evidence, Mr. Neilson laid it down distinctly that it was considered by the House of Assembly that this claim was their creed — one of the thirty-nine articles of their political religion. They have learned the importance of a control over their own revenues, and they have never given up one iota of that demand; their Governor told them to demand all those revenues; he told them to be vigilant in regulating their own concerns; they have ever acted up to his instructions, and have never lost sight of that demand. Mr. Neilson was asked, "Are you aware that there is no instance of a colonial Act repealing a British Act?" Answer, "We do not pretend any such thing." "Do you not admit that, in the Quebec Act of 31 George III., part of the Act of the 14 George III. was distinctly repealed, and the remainder of it distinctly confirmed?" Mr. Neilson replied, "That is not the Act referred to; chapter 88. is the Revenue Act, but the Revenue Act was not mentioned in the Act of 1791." The latter was the new constitution given to the country, and not a word was in it about the Act of 1774, and it raised a dispute so early as 1794; and upon that dispute the Government at home, by means of their Governor, told the Legislature that they would repeal the Act if they would grant similar duties to the same amount. They did so, but the Government never recommended to Parliament to repeal the Act; in fact, somebody or other in the colony advised against it at that time. Now, such being the state of affairs, it thus continued until the year 1810. The Government had a certain quantity of money appropriated, and they did not go beyond that appropriation, and therefore they never called upon the House of Assembly for any more money. The Act gave them certain revenue, and that revenue they were to take. But, whenever the House of Assembly inquired in what manner the money was disbursed and expended, they were told that with that they had nothing to do, as they did not pay the expenses of their own Civil List. To this the House of Assembly replied,—"Then we will do so." And it so happened that, for making that proposal, certain members of the Assembly were sent to prison.

Such is the way in which the colonies are governed — such is the manner in which irresponsible power is used in the colonies,—that, for the making the demand to provide their own Civil List, three men were taken out of the House of Assembly and thrown into prison. And why was this done? The explanation is clear and simple. The officials of that country I am about to speak of, — a party which, backed by the powers of the Colonial Office, have been the cause of all the dissensions and difficulties that have arisen; —that party at once said, "We do not like to be paid by the House of Assembly;" and why? America is a very economical nation; England is far from being so; the English scale of expenditure is very unlike that of the Americans. The Governor of Lower Canada receives as much pay as the President of the United States, who is at the head of a nation second to none on the earth. What the people of America think sufficient for the pay of their President, is thought hardly adequate to maintain the expenses of a delegated governor from England. This feeling runs through all the official ranks in Canada; they compare themselves with the English, while the Canadian people compare themselves with the Americans. They see that in America things are carried on well and cheaply, and the Canadians are desirous to cut down the scale of their expenditure to that of their neighbours the Americans, whereas, on the other hand, the English Government, with reference to the colonists, think with the expenditure of millions to keep up the establishments according to the extravagant rate of their own country. The official party in Canada are of course desirous to continue to be paid by this country, instead of by the vigilant body of the House of Assembly, who are now filled with notions of American economy; and they consequently strive to fight off the control upon the part of the House of Assembly; and from this, I will tell the British Parliament, have arisen all the evils, all the disputes, all the ill blood, and all the passion which now exist in that colony; to the resistance by the official party to the investigation of their accounts, and of their responsibility to the Assembly, I can trace all these events — to that resistance I can trace the desire for an elective legislative council — to it I can trace the desire to have a control over the judicature of the country; indeed, there is not a single existing mischief or dispute which I cannot trace to this resistance on behalf of the official party. I shall now be again obliged to quote the evidence of Mr. Neilson with regard to the financial disputes in Canada. I quote from page 74. of the "Minutes of Evidence taken by the Select Committee on the Civil Government of Canada." Mr. Neilson was asked, "Does the House of Assembly also lay claim to the amount of 5000*l*. per annum, in lieu of the territorial revenue of the Crown?" Answer. "The House of Assembly has laid claim to the territorial revenue of the Crown, because it gave 5000*l*. a-year, in the year 1794 or 1795, after the Governor had told the Legislature that the Crown gave up its territorial revenue to the province." "Does the House of Assembly contend that 5000*l*. a-year is to be appropriated by the House of Assembly?" Answer. "They would say, that if the Crown were now to come forward and ask for more money, it is gone; but should the Government come forward and ask for more, they may say that the money is misapplied, and that it ought to be applied in such a way." Now this, at the time, was thought a very heinous offence; but Sir G. Murray, in a despatch, which is not given in the present collection before the House—I know not why it is omitted, though perhaps for some particular reasons—Sir George Murray, in one of his despatches laid before the select committee, acknowledged that such must have been the case; that so long as the Government of Lower Canada did not ask for more money, they would have no right to inquire into the appropriation; but when it stepped over the bounds and sought more, of necessity an inquiry as to what became of the money would be called for; and, in short, Sir George Murray gave up any possibility of resistance in such a case to that very just demand of the year 1816. Then comes this question, put by the committee to Mr. Neilson: "Will you state the progress of the disputes when those principles came practically into effect upon Sir John Sherbrook in 1818, calling upon the Legislature to provide for the civil establishment?" Mr. Neilson thus re-replied:—"I have got already to the year 1799, when the Bill was passed giving a sum in lieu of the act of 1774. Things went on tolerably well till the year 1809: the expenses were increasing very much, and the Assembly got alarmed, and they had a quarrel with the Governor. It was then said that Great Britain had been paying a great part of the money during all this time; whenever they applied to control the expenditure, they were told Great Britain pays this; what business have you to interfere?' They said, 'Well, then we would rather take the whole of the expenses upon ourselves, so as to control the whole, for by and by it will be saddled upon us.' Then they made the famous offer to pay the Civil List, and they heard no more about it. The United States war then began in 1812, and they gave all that they had, and more than they had, for the war; they authorised the issuing of paper money in the country, and there was no quarrel about the Civil List, or anything else. But after the war Sir John Sherbrook came out; he found everything in such disorder that he represented it at home, and the Government here told him to get the accounts settled every year in the House of Assembly. Then came the acceptance of the offer of 1810, to pay all the expenses of the government; they said, 'We will take all the expenses from you;' the expenses in the mean time had augmented from about 40,000*l*. to about 60,000*l*.; the Assembly then said, 'We will pay the whole of the expenses;' they then agreed to give the sum the Governor asked, which was in addition to the revenue that he assumed to be appropriated, and they reserved to themselves the right of examining into all the expenditure the next year." The next question was this,—"Was any Bill passed that year, or was a resolution passed by the House of Assembly promising to indemnify the Governor?" Answer. "Precisely so. An address for the money." The next year the Duke of Richmond asked for an addition of 16,000*l*., and they began to get alarmed; they appointed committees to examine into the expenditure, and to check every item of it, and they began to vote it by items, and they left out all the increased expenses, but offered to pay the expenses as they stood in 1817; and they passed a Bill, and sent it up to the Legislative Council, allowing all those expenses. Now the House will remember that this was a Supply Bill, and attend to the remainder of Mr. Neilson's answer. "The Legislative Council threw out that Bill on the ground that it was not safe to take an annual Bill." The Executive and Legislative Councils, nominally two bodies, are in fact one body, which controls the expenditure and holds all the patronage of the colony; and thus determining not to take an annual, but insist upon a permanent Civil List, in one whole sum, and to escape from responsibility, they took upon themselves to throw out that Supply Bill.

Perhaps it will surprise the House to

be told, that where the House of Assembly has thrown out a Supply Bill once, the Legislative Assembly has done the same three times over. The House of Assembly, for two years, and, as I think, for good reasons, refused the supplies; and for this alone it is now sought to take from the Canadians the power of legislating for themselves. Mr. Neilson was then asked the question, "Did not the Legislative Council also object on the ground of the vote being made by items?" Answer. "No; because it was an annual Bill. At the same time the Assembly made good its vote of the preceding year, because they conceived themselves bound, in honour, not to have any quarrel about what had been advanced upon their address, although there were some items of expenditure that they objected to, and the Bill passed." Thus the Bill was passed in spite of the example set by the Legislative Council. Then the Duke of Richmond unfortunately died, and in 1820 there was an irregularity in calling the Assembly, and there was no estimate, and no vote laid before the Assembly. Sir Peregrine Maitland convened the Assembly before the returns were all made, and the Assembly objected that the Governor ought not to convene the Assembly till the House was complete; because, they said, if he might convene it before the time fixed for the returns, he might convene it before half of them were returned. Things remained in that state till news came of the death of the King, and then there was a dissolution. At the close of 1820, Lord Dalhousie came; and he asked, that whatever they had to give should be given permanently: they told him, at once, that they would not give anything in addition to what they had already given permanently. Of course, nothing was done: they passed, however, a Bill in some shape or other, which it was said would be less objectionable; it went up to the Legislative Council, and it was refused. It was refused by the Legislative Council upon its being detailed, and not being for the life of the King. The next year Lord Dalhousie asked for a Bill for the life of the King; the Assembly sent home a very long address to this country, as reasons for not complying; and the Legislature finally broke up without any Bill being passed. Lord Dalhousie asked for a sum of money, which they said they could not grant till they had an answer from this country to their representation. The Session finished without any Bill being passed, and then came the famous union project.

Here, again, the official party played the puppets of the machinery, and the controlling power which was to deprive Canada of her constitution. They were known in that country,—the world knew perfectly well who they were. Mr. Neilson then goes on to state, "In the subsequent year there was a Bill for a part of the money passed in 1823. In 1824, the receiver-general failed, and the appropriations already made by the Legislature were not paid; the members got alarmed; and some of them, against which I protested, voted a reduction of one fourth of the expenditure to meet the empty state of the chest: that of course was not accepted; it was rejected in the Legislative Council. In 1824, Lord Dalhousie came home, and Sir Francis Burton took the government. In 1825, a Bill was agreed to by all parties, to add an indefinite sum to the indefinite amount of the appropriations already made, to make up the total amount of the whole expenditure; for the Assembly had forgotten the alarm in 1824, about the empty chest, and they were willing to continue the expenses at the same rate." Now, there is one very remarkable circumstance relative to the failure of the receiver-general, which is illustrative of the way in which the colonies were governed, and of the necessity of very great supervision on the part of the Legislative Assembly. The fight then going on in this case, was a fight against responsibility on the part of the officials, and on the part of the House of Assembly enforcing that responsibility. The House of Assembly said, "This man owes money, and we demand the accounts." The accounts were refused. The receiver-general, who was also a member of the Legislative Council, failed for 100,000*l.* I may be told that this is an old story,—it is, however, a true one; and it is one that will not be forgotten. Let the House remember, that the receiver-general at the present moment owes 150,000*l.*, for principal and interest. True, it is said that the Canadians have seized his estates; but they, if sold, would not cover one tenth of the sum of 150,000*l.*, which had been robbed from the Canadian exchequer,—and by whom? Why, by one of that very party who talk so much about the honour and the prerogative of the Crown, and who have refused to give way in the least degree to the just demands of the House of Assembly. The House of Assembly tried him, and found him a bankrupt; and then, when they applied to this country, whose officer the defaulter was, to make good the loss, this country refused to do so.

Now, such is the history of Lower Canada up to the year 1824; subsequently, Lord Dalhousie, without the orders or the sanction of the Assembly, took the money from the Canadian exchequer, and the Legislative Council threw out every Bill of any possible utility to the colony. In 1827 and 1828, agents were sent over to this country to complain of the manifold grievances under which Canada laboured. Now, what were those grievances? They complained that the Legislative Council had thrown out, and refused to proceed with—

> Bills sent up by the Assembly, for the remedy of abuses, for encouraging education, promoting the general convenience of the subject, the improvement of the country, for increasing the security of persons and property, and furthering the common welfare and prosperity of the province; particularly various annual Bills granting the necessary sums for all the expenses of the civil government of the province, but regulating and setting limits to the expenditure; for affording a legal resource to the subject having claims against the provincial government; for regulating certain fees and offences; for enabling the inhabitants of the towns to have a voice in the management of their local concerns, and a check on the expenditure of moneys levied upon them by assessment; for facilitating the administration of justice throughout the province; for qualifying and regulating the formation of juries, and introducing jury trials in the country parts, and diminishing the expenses occasonied by the distance of suitors from the present seats of justice; for providing a new and sufficient gaol for the district of Montreal; for qualifying persons to serve in the office of justice of the peace; for continuing the Acts regulating the militia of the province; for increasing and apportioning the representation in the House of Assembly equally among the qualified electors throughout the province, particularly in the new settlements and townships; for the security of the public moneys in the hands of his Majesty's receiver-general in this province; for the independence of the judges, by securing to them their present salaries, upon their being commissioned during good behaviour, and for providing a tribunal for the trial of impeachments by the Assembly, so as to ensure a just responsibility in high public officers within the province; for appointing and providing for an authorised agent for the province, to reside in England, and attend to its interests there.

These were the charges made by the people of Lower Canada, in 1828, against the Legislative Council of that province. A select committee of the House of Commons was appointed to investigate them, and that committee acknowledged the justice of their complaints. The committee also declared, that the Legislative Council did not harmonise with the feelings of the people of Lower Canada; and recommended that it should be altered for that purpose, although they did not point out the manner in which that object might be advantageously accomplished. I have now arrived to the year 1828, the year in which every one of the demands of the House of Assembly respecting the control of their own revenues was declared to be just, to be wise, and to be provident. In that year the Legislative Council was condemned;—that year it was when the administration of justice in that colony was declared not to be such, owing to the peculiar political opinions of the judges, as it ought to be: and now I come to the fact on which the House of Assembly has been arraigned, namely, that, after all their claims of 1828 had been granted, and their grievances redressed, now, out of mere mischief, and in a factious spirit, they have been induced by a set of demagogues to bring forward new demands, new claims upon this country, and to fabricate new grievances. Now, my answer to this is, that the old grievances remain; that they have not been redressed in point of fact, and that, if the Assembly have made any new demands, it is because they have discovered that the mode formerly suggested for remedying the evils has proved insufficient in the hands of her Majesty's Government. In the year 1830, it so happened that a liberal Government, as it was called, came into office; that Government was composed of persons who had been accustomed to fulminate against the oppressors of Lower Canada,—that Government was composed of burning patriots, whose passion for liberty knew no bounds,—in fact, of individuals who were supposed to be the friends of Canada. There were then supposed to be in power men, who had laid down broad principles of liberty; who had passed their lives in uttering pretended declarations of liberal opinions; and, in consequence of the advent of these strong and sworn supporters of the liberal cause, the feelings of the Canadian people were naturally excited, their expectations raised, and they said, "Now we have got our liberal friends in office,—the men who have so fulminated against the Legislative Council,—now our grievances will be redressed, and the plague spot be removed from us." They expected such things, but, like many others, they have been disappointed in their expectations. When the present Government came into office, they had to consider the alteration propounded by the committee of 1828. And what were the chief of those alterations? I will quote a very short passage from the report:—

> One of the most important subjects to which our inquiries have been directed, has been the state of the Legislative Councils in both the Canadas, and the manner in which these assem-

> blies have answered the purposes for which they were instituted. Your committee strongly recommend that a more independent character should be given to these bodies; that the majority of their members should not consist of persons holding offices at the pleasure of the Crown; and that any other measures that may tend to connect more intimately this branch of the constitution with the interest of the colonies would be attended with the greatest advantage. With respect to the judges, with the exception only of the chief justice, whose presence on particular occasions might be necessary, your committee entertain no doubt that they had better not be involved in the political business of the House. Upon similar grounds it appears to your committee that it is not desirable that judges should hold seats in the Executive Council.

In this paragraph the committee plainly state the expediency of making alterations in the Legislative Council. Alterations were made, but they were not made in accordance with the spirit which ought to have dictated them. The majority against the people in the Legislative Council remained the same. The alterations were made on a principle consonant to the wishes of the enemies, not the friends, of Lower Canada. The spirit of the promise of change was unattended to, although the letter was observed. On that point, I will quote the opinion of the commissioners who were sent out in 1835, to inquire into the grievances complained of in Lower Canada. What do they say on the subject? I will read a passage of their Report to the House. It is as follows:—

> On the 28th of January, 1831, an address from the Assembly to the Governor, signed by M. Papineau, the speaker of the House, contained an assurance to the following purport:—'It will be our earnest desire that harmony may prevail between the several branches of the Legislature, that full effect may be given to the constitution as established by law, and that it may be transmitted unimpaired to our posterity.' And towards the close of the same year a Bill passed the House of Assembly, constituting the Legislative Council a court for the trial of impeachments, without any demand being put forward that it should be made elective. The conciliatory despatch of Lord Ripon, dated 7th of July, 1831, was, moreover, received in the province in a manner that might have seemed to encourage the hope that a more harmonious state of public feeling was on the point of being restored. But notwithstanding these appearances, the hostility which had long existed between the two legislative bodies was not really abated; for on the 8th of March in that very year, 1831, two resolutions were carried in the Assembly (though they were afterwards struck out of a petition to the King, into which they had been designed to be inserted), declaring that 'the appointment by the Executive of legislators for life, was fatal to the tranquillity and prosperity of the province, and incompatible with good government.' On the 29th of March also the Council, on their part, placed on their journals a series of resolutions aimed at the most important privileges of the Assembly, and particularly at the one that, after a contest of many years' duration, they had just succeeded in establishing—we mean the exclusive right to control the financial concerns of the province. And it is not unworthy of remark, that in the very first of these resolutions they laid down as a positive law, a practice which (however salutary) rests, we believe, in England, only on a resolution of the House of Commons, adopted like any other of their standing orders, at their own discretion, and revocable at their own pleasure. By a subsequent resolution the Council likewise assumed to itself the dangerous right of judging what the contingent expenses of the representatives of the people ought to amount to. With these signs, therefore, of a continued hostility before us, we are disposed to ascribe the fact of no formal demand for an elective council having been made before 1833, simply to the expectation entertained by the popular party, that in consequence of the recommendations of the committee of 1828, very essential alterations in the composition of the Council were on the point of being effected. An alteration was indeed produced in 1832. The judges ceased to take any part in its proceedings, and thirteen new members, unconnected with the Government, were added in the course of the year; but that these new nominations were unsatisfactory to the Assembly, and that the disappointment they felt at the alterations in the Council, was the cause of their fresh proceedings against it, may be inferred from the fact, that in the next Session of the Legislature was voted the first address in which a demand for an elective council was put forth. The nature of the expectations that had been raised in the minds of the prevailing party in the Assembly, respecting the nomination of these members, may probably be correctly gathered from the ninety-two resolutions of 1834, and particularly from the 24th of them, in which it is asserted that 'such of the recently appointed councillors as were taken from the majority of the Assembly, and had entertained the hope that a sufficient number of independent men, holding opinions in unison with those of the majority of the people, and of their representatives, would be associated with them, must now feel that they are overwhelmed by a majority hostile to the country.' We certainly do not think that either the recommendation of the committee of 1828, or anything that subsequently issued from a competent source, warranted an expectation that the Legislative Council was to be made entirely to harmonise with the feelings of the Assembly; nevertheless, that something of the kind was expected by the popular party does seem beyond dispute. We do not feel called on to pronounce an opinion on the propriety of the appointments in question; and the less so as they were narrowly scanned in the cross-examination of Mr. Morin before the committee of 1834; but we may, we think, venture to say, that whilst they satisfied the terms of the recommendation made by the committee of 1828, as far as the matter of pecuniary independence of the Crown was concerned, they scarcely produced an alteration in the political character of the body to which the new members were aggregated.

From all this I feel, and I hope the House will feel, that the Legislative Assembly were perfectly justified in characterising the Legislative Council in

1833 as exactly the same that it was in 1828; and that the new demands which the House of Assembly in consequence made, were only such as every one must have expected them to make. Still they did not propose any wild, they did not propose any novel, they did not propose any theoretical measure; but they went to the Home Government, they laid the case distinctly before them, they proved that their demands were moderate, and that all they required was that such a change should be effected in the Legislative Council as would make it harmonise with the general system of legislation. But that has not been done. Their claims have been rejected. They are now in a new situation. They have made their just demands; and those just demands have been rejected. They then said, "If Government cannot make this necessary alteration, let it be made by the people." They were desirous that a convention should be called for that purpose. On this side of the water the word "convention" inspires horror. Mr. Stanley wrote over to Canada respecting the proposed convention, as if it were something like the National Convention of the French Revolution. Now, really, it marks an extraordinary want of knowledge to compare the convention required in Canada with the National Convention of France, rather than with the conventions which are daily sitting in some of the states of America. At the present moment a convention is sitting in Philadelphia for the purpose of remodelling the government of that state. But all goes on leisurely and quietly. Nobody is reminded by the proceedings of that convention of the wild and ferocious proceedings of the National Convention of France; nobody is reminded by them of the atrocities of Robespierre and Danton. No. They are reminded of the mild virtues of Jefferson, and Washington, and Jay. But the minds of the people of this country are so preoccupied by the dreadful events of the French Revolution that they cannot hear the word convention without exclaiming, "Oh! good God! we are going to have every kind of horror which was experienced by France revived in Canada. That Papineau is the successor and representative of Ropespierre!" I have heard Monsieur Papineau likened to Robespierre —I have heard the Canadians of 1837 likened to the French revolutionists of 1793—I have heard that the late commotion in Canada was nothing more nor less than an attempt to revive the horrors of the French Revolution, and to establish a republic of the most violent and most heartless demagogues!

When the House of Assembly received this announcement from Mr. Stanley they were very naturally indignant. They said, "Is not this a monstrous statement to receive from one who, from his situation in the British Government, must be acquainted with the state of the colonies?" Now, in that remark the Canadians were entirely wrong. Mr. Stanley did not know the state of the colony—he was totally ignorant of the state of Canada—he sent out his despatch inconsiderately, blindly, ignorantly. The House of Assembly, therefore, were for once very grossly in error; yet the thought was only natural—that the Colonial Secretary should know something of the state of the colony, and of the feeling of its inhabitants. When they saw him, without hesitation, about to introduce measures strongly affecting their interests into the British Parliament, it was not such a very improbable supposition in them that he must know (as from his situation he ought to know) something of their condition. But they were wrong: the Right Honourable Gentleman knew nothing of the matter in hand. But if the Canadians were in that instance wrong, nobody, I think, will say they were very blameable. Perceiving at length the Right Honourable Gentleman's total ignorance of the subject, they said, "This announcement of yours is an insult to us;" and at the moment there was another circumstance which kindled and increased their indignation. They said, "Having added to our Legislative Council, which addition you in your wisdom deem all that can be necessary to remove our grievances, you taunt us, when we ask you for a national convention, with this statement from your Colonial Secretary;—and at the same time, in order to enforce your authority, you deliberately butcher our people." And they were justified in the employment of such language, for at that moment a circumstance took place at Montreal which will never be obliterated from the memory of the Canadians. For some trifling cause the military in that district were called out, and a number of the poor peasantry of the country were shot. This sunk deeply into the minds of the Canadians. They said, and said naturally, "The Government can hardly be considered as parental which sanctions such doings in a country so peaceable as ours is, where there has been no disturbance, no riot, that would not at once yield to the authority of the constable's staff; yet we find a Government calling itself parental murdering our people, and thrusting their dominion down our throats." The people of Canada have never forgotten that cold-blooded cruelty, nor will they ever forget it, and recent events have served only to render deeper that already indelible impression. And, if you care not what you are about, there will something come that will read you a lesson which you in your turn will never forget, and which will again humiliate England after the fashion in which your forefathers were humiliated.

It was in the year 1834 that the House of Assembly first evinced a real and serious determination to stop the supplies. There were no supplies voted in that year; but the House of Assembly passed resolutions, as they had done before, stating their grievances and demanding their removal. The committee came to an untimely end—and why? Changes took place very often in the cabinet of England, and every change, it seemed, must make a change in the colonial department. Mr. Stanley went out of the colonial office, and Mr. Spring Rice came in. Soon after Mr. Spring Rice became the Secretary for the Colonies an interview took place between that Right Honourable Gentleman and the person who was then acting as the agent for Lower Canada, at which I was present. Mr. Spring Rice stated that "he was young in office; that he was a new and untried man; that he wished to place the commencement of his official career in a favourable light before the world; that he wished to do justice to the Canadians; and that all that he desired was, that his hands might be left unshackled, and his own good intentions be allowed to have the fullest scope." Upon this statement the agent for the House of Assembly,—I must say at my persuasion, and I now beg pardon of the colony for having given such advice,—but at my persuasion, the agent lent a favourable ear to the Right Honourable Gentleman's statement, and left him with the conviction that what he had promised would be carried into effect. In that interview Mr. Spring Rice solemnly promised, in my presence, and in the presence also of the agent of the House of Assembly, that he would not interfere with the prerogative of the House of Assembly, and at the same time admitted that that body had been most unconstitutionally dealt with by Lord Dalhousie, and also in another instance when money was taken out of their chest. "Never," said the Right Honourable Gentleman, "will I bring an Act into the British Parliament which shall justify me in taking the money out of the colonial chest; the prerogatives of the House of Assembly shall be left untouched, and I will trust entirely to the good feeling of that body to extricate me from any temporary difficulty in which I may find myself involved in consequence of the liberality of my conduct." Such was the language held by Mr. Spring Rice whilst he was "a young and untried man;" yet he had hardly got hold of his office before a despatch was sent out ordering the Governor of the colony to pay the very official servants whom the House of Assembly had determined not to pay; and the Right Honourable Gentleman supposed that he got himself out of the difficulty by this sort of special pleading: "I have not done," said he, "what Lord Dalhousie did—I have not taken the money out of their chest. I did not go the unconstitutional length of asking the House of Commons to take the money out of their chest; but I ordered the Governor to pay the money, and to draw upon the Treasury for the amount." If I recollect right, it was thought necessary, during the last session of Parliament, to pass a resolution in the House of Commons to enable the Colonial Minister to do the same thing. But Mr. Spring Rice was alive to no such necessity: he took the whole ordering of the matter upon his own responsibility. And this certainly was a case in which the people of Canada did not expect that a Colonial Secretary who had so gravely and so solemnly pledged himself not to infringe the prerogatives of the Provincial Legislature would take upon himself to issue such an order as that which proceeded from Mr. Spring Rice, upon no other than his own responsibility. Succeeding events justified the opinion of the Canadians that such a course was not consistent with the principles of the constitution, because last year, when a similar step was about to be taken, it was deemed necessary that a resolution of the House of Commons should be first obtained. No wonder then, that the House of Assembly was incensed.

It was made a matter of complaint against that body that it refused to vote the supplies in 1835 as well as in 1834. In 1834 they refused to vote the supplies, in consequence of their determination to demand a remedy for their grievances. In 1835 they resolved not to vote an amount of money, because the head of the Colonial Department in England had so unwarrantably strained his power, as to direct the payment of those servants of the colony whom they had determined should not be paid. That determination, on the part of the House of Assembly, was well known to the colonial authorities in England; was well known to Mr. Spring Rice, at that time the head and chief of those authorities; but, in spite of that knowledge, Mr. Spring Rice directed the money to be paid. "Then," said the House of Assembly, "we will not pay this money back; you knew our feeling and our determination upon the matter; you have ordered the money to be paid in spite of us; we will not reimburse you." Accordingly, in the year 1835, the House of Assembly again refused the supplies. Be it marked and remembered, however, that these two years, 1834 and 1835, were the only two years in which the supplies were really refused by the House of Assembly. Unfortunately for the good intentions of Mr. Spring Rice, just upon the very instant that all his schemes were rife—just as the extended plan, the great and statesmanlike affair, which was to startle all beholders, was about to be transmitted from the Colonial Office,—it so happened, as the Right Honourable Gentleman was passing down Pall Mall, somebody met him and told him he was out of office. This was unfortunate; but it proved to be the fact, and the Right Honourable Gentleman has since ceased to be the Colonial Secretary. But there was one remarkable circumstance which took place before the Right Honourable Gentleman went out of office, to which I wish to direct the attention of the House.

It has been brought as a charge against the House of Assembly, that they were so little careful of the independence of the judicature that, because a certain judge held opinions contrary to their own they withheld his salary, and would not place it upon the Civil List. Hence it was concluded that the House of Assembly desired to exercise an undue and improper control over the judicature of the country. Now, it so happened, that, just before Mr. Spring Rice went out of office, information was received at the Colonial Office of the appointment of Mr. Justice Gale; and when the Right Honourable Gentleman was called upon to confirm that appointment, he wrote to the Governor of the colony, informing him, that it was, at all times, of the highest importance, and more especially at a moment like the present, that no person partaking of the character of a political partisan should be placed on the bench in Lower Canada.. He hoped, therefore, that the Canadian bar would be found capable of furnishing some gentleman of more calm and temperate views than the individual recommended. When he adverted to the line of conduct taken by Mr. Gale in 1828, and to his connection with certain measures of that time, he (Mr. S. Rice) very much feared that he would be looked upon with distrust by a very considerable portion of the community in Canada. Under these circumstances (he added) he was not disposed to recommend the confirmation of Mr. Gale's appointment. Now, government news does not travel very fast, as I have had reason to know; and it so happened, that the news which carried out the Right Honourable Gentleman's dismissal from office travelled more rapidly than the Right Honourable Gentleman's refusal to confirm the appointment of Mr. Justice Gale. Lord Aylmer, therefore, finding that the Right Honourable Gentleman had been dismissed, and having received no communication from him relative to Mr. Justice Gale, took it upon himself to confirm that gentleman in his seat upon the bench, at the same time writing to Lord Aberdeen, the new Secretary for the Colonies, stating the reasons why he did so. Lord Aberdeen thought the explanation sufficient, and allowed Mr. Justice Gale to remain upon the bench. But the House of Assembly was of opinion that a man, whose conduct had been such as to give rise to such grave and serious objections, on the part of the previous Secretary for the Colonies, could never be expected to gain the confidence of a great portion of the community over which he was to act as judge. "Therefore," said the House of Assembly, "we, being the representatives of the community, and knowing that justice depends for half, or more than half, its influence upon the opinion of the people for whom it is administered—knowing, too, what the opinions of the people are with respect to Mr. Justice Gale, and seeing that his conduct has been so solemnly impugned by the head of the Colonial Department in England,—we, in our representative capacity, and acting in accordance with the views of Mr. Spring Rice, will not allow his salary." This is the true history of the matter with respect to Mr. Justice Gale; and when charges are brought against the House of Assembly, I do not see why the whole truth should not be told. I remember a great impression being once made upon the House of Commons, by the statement of a colonial secretary, that the House of Assembly (against whom the secretary wanted, at that time, to make out a case) had refused to reimburse Lord Aylmer for the expense he had been put to in his efforts to protect the colony from the visitation of the cholera. It was said, that Lord Aylmer had expended 7000*l.* for that purpose, and that the House of Assembly had refused to repay him, upon the ground that he had exceeded his authority in making the disbursements. A statement of this kind was made by a gentleman filling the situation of colonial secretary; but it was afterwards proved that that gentleman must have been guilty of some culpable negligence in reading or arranging his information, as every one of his assertions turned out to be untrue. In the first place, the sum expended was 700*l.*, not 7000*l.*; and, in the second place, Lord Aylmer, when he applied to the House of Assembly, was repaid at once. Yet months passed over, during which the impression obtained against the House of Assembly, that they were so base, so bad, so dishonest, so utterly heartless, as to refuse the repayment of a sum which had been expended for a purpose so humane and necessary as that of endeavouring to prevent the access of a terrible pestilence. The Right Honourable Gentleman who made that statement was Mr. Stanley. This is the way, indeed, in which successive Governments talk of the House of Assembly, and it unfortunately happens that the House of Assembly is not here to answer for itself, nor can its defence be attempted, except by chance, and by the voice of one man against the voices of a hundred.

I remember in earlier days reading the history of one of the matchless characters of antiquity, who said that his character had been assailed for a life, and could not be defended in an hour — that his assailants had occupied many years in poisoning the public mind against his character, and that when he was brought to the bar of trial for life or death, he felt himself in such a position that he could not wipe off the stain which those artful assailants had been careful to implant in the public mind: he felt, therefore, that he stood before a jury almost condemned before he was heard. That matchless character, with whom I became acquainted in the course of my scholastic reading, was Socrates. Like the life-long assailants of Socrates, men are in the habit of getting up in this House, and with a total disregard of truth, or a total ignorance of facts, they make assertions with respect to the House of Assembly which they know cannot be swered, except after the lapse of a considerable time, during which the poison of their statements will be allowed to eat its way into the public mind. Statements of this kind have frequently been made by persons holding high and responsible situations in the Government, but who seem utterly careless whether their statements are true or false, so long as they produce the impression desired. This partial dealing with the truth, this garbling with evidence, is, I think, more befitting Old Bailey practitioners than those who advise her Majesty and direct the councils of the state. But I will now return to the stream of my narrative. Mr. Spring Rice went out of office upon that unfortunate morning when he met his good-natured friend in Pall Mall. Lord Aberdeen was appointed to the Colonial Secretaryship, and with the administration of which that Noble Lord was a Member was originated the bright idea of a commissioner, and a commissioner was in consequence appointed. But it so happened that the Government of which Lord Aberdeen was a member did not stand — it was not permanent. The succeeding Administration, however, was exceedingly delighted with the idea of the commission. But, not wishing to take anything which assumed the appearance of an improvement from their opponents, they determined to do something that should be their own, and with characteristic intelligence and zeal they at once destroyed everything that was good in the commission; for, instead of confiding the responsibility to one man, they determined to extend it to three. And how did they extend it? What character did they give to their commission? They compounded it of three different sets of politicians. Of these three commissioners the first was a high Tory, the second (the term seems contradictory, but there is no other to supply its place) a Tory-Whig, and the third a Radical-Whig. These three men went out to Canada, bound together by one secretary. What did they go to do? To inquire. True; they went to inquire, but about what? The grievances of the people. But the grievances of the people were best reflected by the body which had been elected as the representative of the whole of them. The House of Assembly, therefore, very properly said, "We are the people; we are returned as the representatives of the people in a manner that you cannot impugn — you do not pretend to say that we do not represent the opinions and feelings of the great majority of the people; why, therefore, send out a commission to supersede us who assemble here under the sanction of an Act of the British Legislature, whilst the commission comes out only under an order of the Crown?" However, the commission went out, and if I wanted anything that should justify in every particular the proceedings of the House of Assembly in Lower Canada, I would point to the Report of the commissioners to furnish me with that justification. Every part of it affords a complete justification for every act of that branch of the colonial Legislature. First and foremost, there was a sort of see-saw as regarded the constitution, but all the facts adduced in the Report went to the complete justification of the House of Assembly. There was a good deal of parade about the Report—a good deal of sound and fury; first, there was the full broadside of the commission, then the single gun of Sir Charles Grey, and then the replication of Sir George Gipps; and what between the broadside, the single gun, and the replication, there was a vast deal of confusion in the Report; but those who were enabled to see their way clearly through it, could not fail of arriving at the conclusion that in every particular the House of Assembly was right. I will read a passage from the Report, which, if it have any meaning at all, will go directly to the proof of this assertion. I quote now from the General Report—the general broadside of the commissioners. The passage runs thus:—

> For a number of years the Council, keeping, as it did, in close union with the Executive, prevailed; but in process of time the inherent force of a popular assembly developed itself; and in the great contest that ensued about money matters, the Assembly came out completely successful.

That is to say, that in a dispute which lasted from the year 1810 to the year 1828 the Assembly at length prevailed. It is to be assumed, then, that the Assembly was right.

> During the financial struggle, continued as it was for more than a quarter of a century, it was only natural that other collateral causes of difference should arise; and, if we were to examine into these, we believe we should also find that in every one of them the Assembly has carried its point.

That is to say, that for upwards of a quarter of a century the House of Assembly had not demanded a single thing which was not ultimately granted to them; the inference of course is that they had demanded only that which was right. The commissioners continued:—

> As a few instances, we will mention the right of the House to accuse and bring to trial public officers; their right to appoint an agent in England—

I hope that this will satisfy the House at least upon the point of agency—

> and their right to control their own contingent expenses; their demand for the withdrawal of the judges from political affairs, or from seats in the legislative bodies or the executive councils, and for the surrender of the proceeds of the Jesuits' estates. All these are points on which contests have taken place between the two Houses, and in every one of them the popular branch has prevailed, and the Council been successively driven from every position it had attempted to maintain. The Assembly, at the same time, by attacking abuses in the administration, and bringing charges against numerous officers of the Executive, succeeded scarcely less in exposing the weakness of the Government than of the Council.

It is very strange that the word "weakness" should be introduced into that part of the Report. How was it that the House of Assembly became successful? Not because the Government was weak—the Government was strong enough, if it pleased, to put down the House of Assembly—the reason why the Assembly succeeded was because the Government was—wrong. The Report proceeds:—

> Both the Council and the Government have been worsted in many a struggle that they never ought to have engaged in: and if the Assembly has in consequence grown presumptuous, we apprehend that such is only the ordinary effect of an unchecked course of success.

The next is, I think, one of the most extraordinary statements ever put forward upon a subject of this kind:—

> In the course of these protracted disputes, too, it has happened that the Assembly, composed almost entirely of French Canadians, have constantly figured as the assertors of popular rights, and as the advocates of liberal institutions, whilst the Council, in which the English interest prevails, have, on the other hand, been made to appear as the supporters of arbitrary power, and of antiquated political doctrines; and to this alone we are persuaded the fact is to be attributed that the majority of settlers from the United States have hitherto sided with the French rather than the English party. The representatives of the counties of Stunstead and Missisquoi have not been sent to Parliament to defend the feudal system, to protect the French language, or to oppose a system of registration. They have been sent to lend their aid to the assertors of popular rights, and to oppose a government by which, in their opinion, settlers from the United States have been neglected or regarded with disfavour.

Now, I beg the House to observe, in the next sentence, the manner in which the Legislative Council endeavours to extend British feelings, and to protect British interests, in the province. If I understand anything about English feelings or English interests in the colony, it would mean this,—that English feelings are in favour of a free representative government, and opposed to everything which has the appearance of arbitrary power, — that English feelings are in favour of municipal institutions which subsist in England, and opposed to the system of centralisation as it exists in France. The commissioners then say: —

> Even during our residence in the province we have seen the Council continue to act in the same spirit, and discard what we believe would have proved a most salutary measure, in a manner which can hardly be taken otherwise than to indicate at least a coldness towards the establishment of customs calculated to exercise the judgment and promote the general improvement of the people. We allude to a Bill for enabling parishes and townships to elect local officers and assess themselves for local purposes; which measure, though not absolutely rejected, was suffered to fail in a way that showed no friendliness to the principle.

Now, what was that principle? The principle of representative government. We are very often told that the Legislative Council is the great assertor and vindicator of the English interest in Canada. Now I assert the precise contrary; and I quote the evidence from the Report of the Commissioners themselves, to show that the council have done all in their power to support, protect, and maintain the principles of arbitrary power and their own private interest. I have proved that the Legislative Council is French, so far forth as it is favourable to its own arbitrary power, and English so far forth as it can create a prejudice against the House of Assembly. Then I would observe, how remarkable it is, that British merchants, on going out to Canada, should, all at once, be so very much struck at the absence of a registration office in that country, when, as is very well known, there is no general registration office in England. It is a curious fact, that, in this country, with the exception of the counties of Middlesex and York, there is no office for the registration of deeds, mortgages, &c. How is it, then, that merchants, on going to Canada, all at once discover that an establishment of that kind is essential to the protection of their interests? Some ingenious person may, perhaps, discover the cause; but I confess that it comes not within the scope of my powers of penetration. In the midst of all the contention upon the subject, it has invariably happened that the House of Assembly have wished to promote all the real and substantial advantages of an office of registration; but they said, "We will not pass such a Bill as shall throw the poor persons of the country into the hands of a notary."

The House will excuse me if I now beg to call their attention to a point of law. In this country, if a man mortgage his property twice over, he cannot be punished for the fraudulent transfer; but the law of Canada, founded on the old French law, which was taken from the Roman civil law — (the offence coming under the generic head of *dolus*) — provides for this crime. It was called the law of *stellionat*, and which means nothing more nor less than that an offence of this kind amounts to felony. The House of Assembly found that, in consequence of the wholesale introduction of the English law in the manner of which I have already complained, no punishment was attached to an offence which they had always previously been taught to regard as a crime. They found that, according to the English law, which was new to them, a person who mortgaged his land for more than its value could not be punished. "Therefore," said the House of Assembly, "we will endeavour to get at this class of offenders by establishing a law, which shall be in accordance with our old law of 'stellionat.'" A Bill, having that object in view, accordingly passed through the House of Assembly, but the Legislative Council threw it out. And yet the Legislative Council calls itself the defender and asserter of English interests in the colony, and constantly complains of the absence of an office of registration! In the Bill passed by the House of Assembly, the means were afforded of establishing a registration office, or an institution that, in all respects, should be tantamount to such an office; but the Legislative Council refused to take it. Why? Because, in reality and in truth, they did not desire to see a system of registration established — they did not desire to make fraudulent mortgages a crime, but they did desire to have the means of creating a prejudice against the House of Assembly. If there be one thing which, more than another, distinguishes the institutions of England, it is the manner in which all local affairs are left to the management and control of local authorities. In this respect, the institutions of England afford a strong contrast to those of France, where the pernicious system of centralisation place the management of all the affairs of the country in the capital. I will explain this point in a few words, by quoting the language of Mr. John Neilson, to whose testimony I like to refer. Mr. Neilson, in his examination before the committee of 1828, was asked, "Are persons who settle in the townships, holding land upon the English tenure of free and common soccage, exposed to any other difficulties than those which arise in the administration of the courts of law?" Mr. Neilson replied, "I do not think that those people complain of anything except that they are far out of the way; because, unfortunately, the grants were made to them in a remote part, in preference to the grants being made nearer the St. Lawrence. But their great object has been to obtain a representative in the Assembly of the province; and they have met, in their usual way, upon Stumstead Plain, and have declared that they were satisfied with the Bill that was passed by the Assembly, and they have petitioned the Assembly and the Council to pass that Bill. They say that, in the event of that Bill passing, they think they can get a remedy for all their grievances; that the first thing they want is, to get a representation in the assembly of the province, and the assembly of the province is willing to join them in redressing their grievances; but any person that, by chance, happens to have connection with the townships, goes and speaks as if he was deputed by the townships. We have had twenty different stories told us in that way; but the moment they have representatives of their own to speak for them, every body will believe them, and there is no doubt they will get a remedy for every thing they complain of. There is one thing that it is desired to give them, which they have in the United States, and that is the power of regulating their own little local concerns, which, I conceive, contributes very much to the prosperity of the United States; every district of the country regulates matters of common convenience, such as roads and bridges —what cannot be done by an individual is done by a common effort of the whole community, as determined by the majority; whereas, in the townships, they can get nothing done without delays and expenses." Mr. Neilson was then asked to "describe the difference between the state of things in that respect in Canada and in the United States." He answered in these terms:— "In Canada we have been plagued with an old French system of government; that is to say, a government in which the people have no concern whatsoever,—every thing must proceed from the city of Quebec and the city of Montreal, and persons must come to the city of Quebec and the city of Montreal to do every thing, instead of being able to do for themselves in their own localities. In the United States, they have the English system, by which every locality has certain powers of regulating its own concerns, by which means they regulate them cheaper and better; whereas with us, a man must make a journey to Quebec; he must go to a great expense; he must bow to this man and bow to that man; and rap at this door, and rap at that door; and spend days and weeks to effect a little improvement of a road, or something of that kind, of common convenience to a district; whereas all that is done in the United States without going out of his own small district." Now that is precisely what the House of Assembly wanted to do. They passed a Bill,—passed it more than once,—by which the people in the townships, against whom they were supposed to entertain so strong an animosity, were to have the control over their own concerns. The Legislative Council, however, invariably threw out the Bill, because they said it was tainted with the principle of representation. Could anything afford a stronger proof that the real support of English interests was in the House of Assembly, and that the Legislative Council was the advocate only of those narrow and arbitrary views which were diametrically opposed to every English feeling?

I now come to the demand of the House of Assembly for an elective council. I have shown that this demand is warranted; first, by the Report of the commissioners, and next by the conduct of the Legislative Council, which conduct was so bad as to give rise to the admission, even amongst those by whom it was supported, that it required reform. I have shown that the council is now in precisely the same state as it was when that admission was made. I have shown that the people themselves are dissatisfied with it; and, finally, I have shown that the House of Assembly has asked in a quiet, decorous, and respectful manner, that the people of the country may be allowed to meet in a national convention, to determine whether or not the elective council are fit for them. The answer of the House of Commons to that demand, last year, was a peremptory refusal; but, at the same time, the House of Commons gravely and solemnly stated by its resolutions, that the Legislative Council requires reform. Upon that occasion, the House of Commons again solemnly maintained the demand of the House of Assembly for a reform of the Legislative Council; for, in the resolutions which were passed at the same time that an elective council was refused, the House said "No; we will not grant you the elective council, but we see that you must have a reform in your Legislative Council; at the same time, we will take away your money, because, for the last two years, you have refused to vote the supplies;"—and because the House of Commons could not pass a Bill in time to sanction the taking away the money, they sent out to the Governor of the colony instructions to ask the House of Assembly again to vote the supply.

I now come to what I must regard as the very singular proceedings of the present Government in the dispute with the House of Assembly. The House of Commons and the House of Lords have voluntarily declared, in a series of resolutions to which they have severally and mutually agreed, that a reform in the Legislative Council is needed: at the same time, they bade the colonial Governor demand the supplies of the House of Assembly, after having infringed the constitutional rights of that body in the most marked and extraordinary manner. I said I would be frank in this matter. I knew what would take place in Canada. I told the House what would take place, and my prophecies have been verified to the letter. When the resolutions of last year went out, the necessary consequence was, that every man in the colony asked himself, "Are we to bear this? What is the alternative? It is clear that the Imperial Parliament, paramount in England, and, indeed, over the whole of its great empire, has decided against us; we have, therefore, no hope, through the ordinary means of obtaining our desires." "Is there, then, no alternative?" was the national question which every man put to himself. It was put by the leaders of the people to the people themselves; and the answer of the people was, "The power of the Imperial Parliament is so great, that it may override us under any circumstances; therefore we must submit." The determination come to by the leaders was, to counsel the people to submit. I do not say that they did not expect a day to arrive when some other alternative might not present itself; but the result was, they determined to submit. At the same time they said, "We are to be called together by the Governor; he is to present to us the resolutions of the House of Commons and the House of Lords. Those resolutions are to be presented to us as a whole, and if the Governor gives us a fair opportunity, we must say to our constituents that we have done all that we could do, and that all has been done for them—that the Parliament of Great Britain has determined we must yield, and, for the present, submit to the demands of the Government." Such were the feelings—and I am bold in saying these things—I will pledge myself that such were the feelings and intentions with which the members of the House of Assembly went to Quebec. The resolutions were placed before them as a whole; but what was the demand of the Governor? "Money, money, money!" "But," said the House of Assembly, "is there not something else in the resolutions? Is it all money, money, money? Is there not some acknowledgment of abuse in them? Hold you not something in your hand for us besides the rod? Or are you come with hollow hand to look for money and nothing else? Have you not, in the other, some proposed alteration of the Legislative Council?" Why did they ask this? Because, in point of fact, there had been circulated in Montreal, with a sort of demi-official authority, a list of the new council. That list was withdrawn. It was not acted upon; and for four long months things went on shilly-shally, dilly-dally—the Colonial Department on one side, and Lord Gosford on the other, with a great country, there, in a state next to revolution, and with a representative body anxious for an excuse—anxious for the means of saying to the people, "We have got all we can, all that the Imperial Parliament have proposed, and we must submit." But what was it they sent? They sent the Governor with these resolutions in his hands, but with nothing of redress, nothing to satisfy the pridé as well as the vanity of these people; nothing conciliatory, but all that was grasping; and their only and never-ceasing cry was, "Money, money, money!" At whose door does all this lie? Why, at the imbecility of the Colonial Office. Does the House believe that if there had been a man of weight and of mind to lead in these affairs there would have been this delay upon matters so vitally important? Good God! to those who sent out all sorts of people to all sorts of places were there no means of sending out a man post-haste to the Governor of Lower Canada, begging him, for God's sake, to go down to the House of Assembly with a proposition for an altered Legislative Council, at least, before he asked for money?—entreating him not to insult that Assembly, not to say to them, "We do not care anything for your feelings, you who represent the feelings of the whole body of the people. True, it is, we admit that the Legislative Council have done all that is mischievous; this we admit by the Report of our commission,—this we admit by the solemn censure of a resolution of Parliament—all this, to us, is as nought—we have the power to ask for money, and that is all we regard." Why, any man of common sagacity would conceive that, at least, it was intended, when communicating those resolutions to the House of Assembly, that the Governor should go down with some such proposition as that of a thorough investigation into the abuses of the Council. Why was that not done? It must be supposed that justice was asleep; that the Colonial Office was in that happy state of repose in which it could not even hear the murmurs of the people, although they were so loud as to startle every one else. Nothing could awake it from its slumbers. What cared the Colonial Office at the Canadian people being insulted by this mode of proceeding? "It is a very easy thing to get at the Exchequer; therefore, if a revolt does take place, why it must be put down. It may cost something, to be sure; but that cannot be helped; besides, an opportunity may at the same time be obtained of putting down the House of Assembly, —and that is something. Well, what took place besides? Before Lord Gosford met the House of Assembly, he was exceedingly careful to insult the leader of the people there. It is well known that three months before the meeting of the House of Assembly, M. Papineau attended various meetings of the people. The leaders of the people discovered, at the time of these public meetings that the people were not prepared for the alternative to which I have alluded. What did Lord Gosford do? He waited three months, and then he did that which all the advocates of Canada had been unable hitherto to do—he brought the grievances home to every man's door. Hitherto the advocates of Canada had been obliged to address the Canadian people through their understandings. They said to them, and I acknowledge that I was one who did so, "These are encroachments upon your privileges—watch them well. The effect, though not mischievous now, may be so hereafter. The words of Lord Gosford may be a warning to you." This was a warning to the nation; but being in themselves happy, and not disposed to do anything violent, these good people, although they did support, systematically, their representatives, yet they did nothing more. But Lord Gosford came and dismissed, by wholesale, the militia officers and magistrates, thereby making every man feel himself personally insulted — and these were the people he was to conciliate! Could anybody wonder, after seeing that the resolutions were not carried out, and after seeing that nothing was done to satisfy one of their just demands —the justice of them having been acknowledged over and over again — that the members of the House of Assembly should say, "We will not be accessory, by paying this money, to our own dishonour and disgrace. We will not yield to this unrighteous demand"?

Well, the House of Assembly separated, and then what happened? Lord Gosford proceeded to revise the magistracy. He did not, indeed, dismiss every person from the commission who entertained liberal sentiments; but he dismissed almost every one. He dismissed men who were not accused of any crime — men belonging to no faction, not taking any part in politics. And what did he do next; and that without any ado, knowing what was the state of the law in that country? The Legislative Council took care of that. Nay, the Government at home acknowledged that the Orange party there was so thoroughly ferocious that they were obliged to send out officers from this country to officer the militia in Canada. At that time the sheriff of Montreal was appointed by the Governor, and was subject to dismissal by him; the mere magistrates and judges also were made by the Governor, and likewise subject to dismissal by him. Well, in this state of things he issued orders, wholesale, to try all those persons who were the leaders of the people for high treason, for speeches which they had delivered full three months before. And what was it that those persons said? Precisely what every man of common sense would have said,—that to be tried by a jury chosen by such a sheriff, and before such a judge, was nothing more nor less than condemnation before trial. Every body knows (you have experience near home) what an Orange jury will do. Those persons naturally said, "We are not willing to stand the result of such a trial," and as many of them as could, consequently, went away; and this was called "running away"—this was called "dastardly!" It was a most natural thing, but it seems to me to be very easy to be valiant in other persons' places; but I should like those persons who spoke thus of my friends over the water to be precisely in the same position with them. They have been called "cowards," and are said to have fled from those whom they excited to revolt. First and foremost, if they had staid in the country they would have been in prison, and then how could they have been with the people whom they are accused of deserting? If not with them, how can they be said to have excited the people? And, furthermore, I want to know, they having gone out of the country, how it can be said that they excited the people? But I will tell the House how the people have been excited; and when they have heard their story, the House, I hope, will have some consideration for the characters of those individuals of whom men speak so glibly.

The people of the district of Montreal, when they saw the necessity of their leaders being obliged to depart to avoid being arrested, and knowing that many others were likely to be taken up upon the same plea—that the apprehension of those who escaped was sought for—(because two affidavits only were all that was required for that purpose)—said, that no more writs should be executed there. What did the magistrates of Montreal do, or rather, what did the Attorney General do? He got a party of militia men, chosen out of those Orange partisans whom he knew to be the very men of all others who most wanted to create a riot—men who had before petitioned to be enrolled in the rifle corps of Montreal; and they went out and arrested two respectable men, M. Demaray and M. D'Avignon. They chained these two men, put manacles on their hands, a chain on their feet, placed them in an open waggon, and I have it upon the authority of one of the people, that they put a halter round their necks. I am the more bound to believe that they did so because they so treated a respectable person, the son of the surveyor-general of that country and while suffering under his wounds, dragged him many miles through the district. Well, what did they do with Messrs. Demaray and D'Avignon? Instead of going direct to Montreal from the place where they were arrested, they actually paraded those persons throughout the excited district. What was the consequence? Just what they themselves expected: the peasantry rushed to arms and rescued the two men: whereupon the Government exclaimed, "We cannot suffer the law to be opposed in this way; we will send out an armed power." They accordingly sent Colonel Gore to St. Denis, and Colonel Wetherall to Chambly, who were to join each other at St. Charles. At St. Denis the English troops were dispersed, but Colonel Wetherall arrived at St. Charles, and the people were dispersed. And what was the consequence? Why, that an excess afterwards took place at St. Charles and St. Denis on the part of the soldiery, only to be equalled by the scenes of slaughter at Tarragona and Badajos. Nay, I have received information from a magistrate of Lower Canada of his having sat in the midst of the most horrible scenes, and of being surrounded by the mangled bodies of those who had been slaughtered by the British troops—that those very bodies were the next morning eaten by the pigs—that many houses were plundered of all that was valuable in them, and that to his own knowledge those troops, in the insolence of their success, had committed every species of outrage which an infuriated soldiery are apt to commit; and this upon whom? Upon our own fellow-subjects. The honour of the British soldier has been spoken of as involved in this affair; but this was not an expedition in which honour could be gained by British soldiers. No, they were acting as police; and all that they could possibly do would, at best, be but a painful duty. But horrors such as these—atrocities such as these, are not to be spoken of, because, forsooth, it would be tarnishing the lustre of the British arms. Thank God, I think much better of the lustre of the British arms than to ascribe it to such deeds as these. What honour was there to be acquired in opposing and sacrificing an undisciplined body of men who were in an unhappy state of excitement at beholding those persons whom they were accustomed to look up to and revere, treated with every indignity that malice could suggest? These undisciplined men being in arms, and in this state of excitement, did, undoubtedly, resist the well-disciplined troops of her Majesty, who thereupon proceeded to burn barns with men in them; and, with their gallant commander at their head, to rush in upon an almost unarmed and, certainly, a most undisciplined body of peasantry, who were the subjects of the same Sovereign. And yet we are not to speak of these horrors, forsooth, except at the risk of being denounced as having no regard for the honour of the British army! I repeat, that I have much more respect for the honour of that army than those who desire to have such services done by it. To suppress a revolt is always a painful duty, but it must be performed. That duty may, however, be disgraced; and I can never be persuaded that the commanding officer had not sufficient power over so small a body as were then employed in Lower Canada to prevent them from committing these excesses. I, myself, know that booty was actually brought into Montreal and sold by the soldiers. They robbed the inhabitants, and why? Because some portion of the people were in arms. They did so, knowing that the House of Assembly was not sitting; that its members were scattered over various parts of the country to an extent of no less than 700 miles; and knowing, therefore, that they were not in authority at that time. It is most unworthy shuffling, then, to attempt to put upon their back the odium and the horror of this rebellion. The rebellion was brought about by Lord Gosford; by your Colonial Government; and by the want of wisdom on the part of the rulers; and not by those men who had honestly maintained the character of the real representatives of the interests of their constituents.

But it is the habit everywhere, now-a-days, to speak of M. Papineau as being answerable for all that has befallen his country. Now, Sir, I am not one of those who have been in the habit of deserting a friend in need. In his most prosperous days, I have thought myself honoured by the friendship of M. Papineau. I think myself so honoured, now; and when I review the political career of that man, raised as he has been to eminence by the sole power of his intellect, without the employment of one single disgraceful proceeding, I look in vain through the whole of that career for a single act which deserves reprobation. True it is, that he denounced, in strong language, the conduct of your colonial administration. I myself have equally condemned that administration; and if there be guilt in saying that Canada has been ill governed, that her grievances have been left unredressed, that her oppressors are men ever cruel, and now exasperated, I, Sir, am willing to partake of that guilt. Talk to me of being frightened at being called a traitor—at being told that my life is forfeited—at the newspapers setting forth that I am to be sent to the Tower! Yes, the Government organs, and other portions of the press, have endeavoured to excite the people against me, and induce them to believe that I and my friends could desire that which England would view as dishonourable. Do you think that I am to be frightened by such petty warfare? If I be guilty, why are there not those who dare accuse me, lawfully? I want to know what is thought of the courage of those men who dare make these anonymous accusations, but have not the courage to support them by a criminal prosecution? My papers have been seized; let them be produced. I have not run away; because I know that there is a jury in England who will render justice to the accused; and that here, at least, we are protected from such proceedings as the Executive of Canada have adopted towards many of the inhabitants of that colony. But I want to know where is the ground for all those accusations? I want to see what justification can be made before a jury, for the violence committed in Canada by the Executive authority.

I want to know upon what grounds a justification can be put forth for harassing, persecuting, and putting into gaol a whole body of men, who have been the leaders of that people for a quarter of a century, upon the mere affidavits and partial statements of persons whom the Executive Government know to have been suborned? And yet, with all this power in your hands, you proceed to suspend the Habeas Corpus Act, and annul the constitution. It may be conceived, that to suspend the constitution was a happy thought. It is an act you have long desired, but you dared not do it until you got the people, frightened by your proceedings, into a revolt. But why stop here? Why not suspend the constitution of Upper Canada? There is a revolt, and you have not heard the last of it. Why not suspend the constitution of Newfoundland? There is a stoppage of supplies, and you have not heard the last of it. How comes it, by the by, that we never hear, through the medium of the Colonial Office, of some things that are taking place there as well as in Canada? At an election in Canada, a man was shot in consequence of the soldiery having been called in. How happens it that, at the last election in Newfoundland, you had cannon planted on the hill commanding the hustings, loaded with grape shot? If you deny these things, I tell you there are men here who can prove it; and yet you wonder that your colonies do not entertain a feeling of gratitude and consideration for—that happy metaphor of yours—the mother country! Let me carry out your metaphor a little further, and call her step-mother. If, after this statement which I have made, Gentlemen are still prepared to do what they are now called upon by the Government to do, I wish to know whether they will still say that any case has been made out against the House of Assembly. I address myself particularly, in this case, to that class of politicians who are, by favour, called Liberals. I want to know how they will distinguish these acts of power towards the people of Canada, from those which were committed by this country previous to the American revolution? "Oh!" says one, "we don't tax them." No; but you allow the House of Assembly to tax them, and then take their money when they have been taxed. And, furthermore, is it nothing to suspend the constitution? After taking away their money, you proceed to deprive them of their constitutional system, notwithstanding their approximation to a nation for whose institutions the Canadian people entertain the strongest predilection. There is the same prevailing feeling in favour of the republican principle, on the part of the various states of North America, as there exists in Europe for the monarchical principle, or in the East for the despotic principle. Can you wonder, then, if there should arise in the United States a strong feeling of sympathy for those people who are now reduced to the crouching condition and to the servile state of slaves? They are now to be governed by a governor in council; — they, who have been made to understand the full benefit of a representative government, — they, who see that principle on the other side of an imaginary line constantly acting in full vigour, and in all peace and quietness. Comparing themselves with those men, they say, " We are your equals; why should we be deprived of those institutions which you hold dear? Why? Because we are weak. If we were strong, England would be just and conciliating; but we are weak, and she is unjust and tyrannical." Sir, England has granted rights to those who knew their power, and who, knowing, have used it. It was by the power of their arms that the United States of America became free; they were granted to the volunteers in Ireland when in arms; and they were acquired by England herself when in the same posture of defence. She has taught the Canadians the very lesson, for the exercise of which they are now to be subjected to a most unconstitutional proceeding. I have, myself, in this metropolis, seen things done, and heard things said, during the discussion upon the Reform Bill, that, if you talk of treason, were ten thousand times worse than anything that has been said or done in Canada. And who did those things? That same liberal party who now seek to direct the power of England against liberal principles in Canada. Who consented to their being done, and profited by them? A liberal Administration. And then you wonder, and they wonder, whence the distinction is drawn; and that you, who eulogise the names of Washington and Franklin, should oppose those very principles upon which those persons acted. Can it be matter of surprise that they should say, "The reason why England oppresses us, and yielded to the power of her former colonies in North America, was this, — that, in the struggle of the present day, there is but one colony at issue with the mother country; whereas, in the former contest, England had to cope with thirteen:—now, with 1,000,000 inhabitants, then, with 2,000,000; and that her own circumstances, at those different periods, are widely dissimilar? At present, her power is overwhelming; in the American war, her condition was anything but that of a country equal to a contest with the whole world." Sir, can any man who reads the history of nations aright, fail to condemn the impolicy of these proceedings? I entreat this House to view the consequences that must naturally result from this disastrous Bill. I see, on the other side of the St. Lawrence, a nation at present so powerful that we can hardly measure its extent; a nation that has, now, dominion from Florida to the Lakes of Canada, and which, if we are wise, we shall take especial care gains no increase of territory. If we were wise, we should see to and arrange all matters in Canada, and in our other North American possessions, so that when the time for separation does arrive, that separation may be effected in a manner most advantageous to us. But if you treat them thus as you are now treating them, all their hopes will be centered in America, and, unhappily, all their alliances will be American; and when we lose Canada, as lose her one day or other we shall, she will merge in the United States; and then we shall see that nation stretching its power from the Gulf of Mexico to the Northern Pole, with her fleets in every sea, and her insolent dominion over-riding every power: for men, whether under good or bad institutions, if you make them irresponsible, will be unjust. Then, in your turn, you will have to meet the injustice of too powerful America, in like manner as Canada has now to meet the injustice of too powerful England.

Sir, I am sorry that on me should have devolved this great argument. I feel that I have wearied you. I feel that I have been inadequate to the great task which a nation's struggle has imposed upon me; but I hope, while I have addressed you, that I have not forgotten, in the zeal of my advocacy, that I am one who was born of British blood. I have spoken from my heart, as one whose whole interests are bound up in the honour and glory of my country. I feel that that honour and that glory are now at stake.— not that factitious honour which is to be derived from power, or whatever is successful in possession and prosperity, but that honour which is to be derived from the wisdom, the justice, and the benevolence of our rule. I find that the benevolence, the wisdom, and the justice of our rule are about to be infringed, and that all of our American colonies that now remain to us will, by and by, in another page of history, have to relate the calamitous story of these times similar to that which is already upon record; and then, Sir, as the last ship of England leaves that insulted coast, with its millions stretched along its shores shouting imprecations after her, you will feel,—and not till then will you feel and know,—the injustice you are now about to commit. Sir, I have done my duty.

Mr. Roebuck then withdrew.

Upon the question being put, that this Bill be committed, —

Mr. HUME said: — I did not understand that the Bill was to be committed until its principle had been debated.

LORD JOHN RUSSELL. — I believe it was the general impression that the debate upon the principle of the Bill should be taken on the question that the Bill be committed.

Mr. HUME. — It certainly is a most unusual mode of proceeding, to advance a measure of such importance two stages on one night.

The SPEAKER. — The Honourable Gentleman is in error, in supposing that this Bill will be advanced through two of its stages in one night by the course that has been proposed. The House is doing precisely what is done with respect to every other Bill. The question that the Bill be read a second time having been carried, I then proceed to put the question that this Bill be committed, and to name a day upon that question. It will be competent for the Honourable Member to speak upon the principle of the Bill, and to move any amendment he may think proper.

Mr. HUME. — Then, Sir, I will appeal to you and to the House whether the case we have just heard at the bar does not give a different colour to the whole transaction; and whether my Learned Friend has not made out a case so favourable to the House of Assembly as should induce us to pause before we proceed farther with this Bill? I admit that it is imperative on the House to enforce obedience to the laws in the colonies; but we ought not, therefore, to suspend the constitutional privileges of those colonies. From beginning to end, it appears to me that the House of Assembly in Lower Canada has acted with great prudence and much patience. They have, however, been invariably frustrated in their endeavours to obtain the best measures for the people by the Legislative Council; and if any punishment is to be inflicted, it ought to be inflicted on that body that has stayed the course of justice and reform. In addition to the considerations which arise out of the new views that that gentleman's speech has opened up, I beg the House, before they proceed with the present Bill, to recollect that they are sending out to Canada a Noble Lord who is to be — and I sincerely hope he will so prove — a pacificator. Then why place him in the disadvantageous position of having to arrange the unsettled affairs of a people irritated to excess by the suspension of their constitution? The Noble Lord now about to proceed to Canada is, no doubt, eminently qualified for the delicate and important task intrusted to him, — in that Noble Lord I repose great confidence; wishing him success, I cannot but regard with regret the disadvantages under which he will now proceed to the government of the colonies. Although Mr. Roebuck has discharged his duty with great zeal and ability, yet I think he might have made his case still stronger, by showing that the House of Assembly had acted in accordance with the feelings of the people, — he might have shown that, during that period whch he so rapidly ran over, the Governor had tried again and again, by appeals to the people, to resist the proceeding of the Assembly; — but that, at every new election, the people sent back a great number of members to support the popular cry, and to demand full justice. For these, and the many reasons I have urged on former occasions, as well as on the grounds urged this night at the bar, I beseech the House not to widen the breach between the mother country and its colonies; not with one hand to offer conciliation, and with the other a Bill of pains and penalties. I will now move, as an amendment, to leave out from the word "That" to the end of the question, in order to add the words, "This Bill be taken into further consideration upon this day six months," instead thereof.

Upon the question being put, that the words proposed to be left out stand part of the question,—

SIR GEORGE GREY said: — I need scarcely say that, to the amendment which has just been moved by the Honourable Member for Kilkenny, I shall offer my most determined opposition. I am utterly at a loss to conceive how the

Honourable Member proposes to effect the object of which he appears to approve,—how he will send out a Governor with full powers, when he opposes the only measure which can give the necessary authority, or render that power effectual. I rejoice that the House has listened to the Learned Gentleman who has this night addressed them from the bar so ably, and with so much eloquence; for, though there are not wanting in this assembly many advocates who are deficient neither in zeal nor ability, and whom we have heard, on former occasions, most fully to state the wishes, and to represent the opinions, of the Canadian people, yet I rejoice that the British Parliament, in accordance with the feelings which ever actuate a British assembly, has not interposed any obstacle to the hearing of a gentleman claiming to be the authorised agent of the Canadian people, and possessed of such an authority, so far as a resolution of the House of Assembly can confer it. I am only anxious, then, to recal the House to the real circumstances connected with the Canadian controversy,—to the state in which the Government and the House are now placed,—and to the proceeding, connected with the Bill now before us.. I will not follow the Honourable and Learned Gentleman through the remoter periods of the Canadian history; neither will I recite the serious grievances which, from time to time, and from year to year, we have heard so well stated by that Honourable and Learned Gentleman, in his place, as a Member of this House, nor the answers which those statements called forth upon those occasions; but I must advert to one point in the earlier condition of facts which has been referred to, and in which the Honourable and Learned Gentleman attempted to make the House believe that the Canadian dispute related only to financial differences, and that the whole was merely a financial question. The Learned Gentleman has stated that all the Canadians require is, a control over the revenue. Now I will not accuse the Learned Gentleman of either culpable negligence or want of knowledge in dealing with this point; but as he has made this charge against the Members of her Majesty's Government, I must say that this was not a fair representation, for every financial claim has been attended to by the Government; and the Legislative Assembly subsequently departed from the just and constitutional grounds on which it had at first stood. Concession was made of all their just rights, and then commenced their unconstitutional and unjust demands; and a negative was given to those demands by the Parliament only after a solemn and thrice-repeated declaration of the Canadian Legislature's intention to adjourn all their deliberations, to render useless their functions, and to abrogate the duties imposed upon them by the Act of 1791, till the British Government and the Parliament should have receded from the ground which they had taken,—till they should have granted an elective Legislative Council.

By these acts, or rather this neglect, the Canadian constitution was practically suspended by the House of Assembly, although it can only be so in reality by the Act which is now proposed; an Act which, in fact, is only to supply the wants created by the refusal of the Assembly to provide for those legislative measures which the interest of the province demands, and to fill up the interval which must elapse before an Assembly can be called together. The Government had placed confidence in the representations which had been made to them, that if the Canadians were entrusted with a control over their expenditure, there would be but little difficulty in managing the affairs of the colony; but, when the Assembly met, they carried not one legislative act,—they met to remonstrate, not to legislate,—they saw all the Acts which required re-enactment expiring,—and all this they allowed to go on, without the slightest attempt to prevent the injustice which would accrue to the public and to individuals,—without making any provision for the manifold interests which required their protection, and which where placed in their hands by the Act of 1791; and the House is now called upon, after the greatest forbearance has been carried to the fullest extent, to remedy, by the Bill now before us, these inconveniences; and this is the only manner in which it can do so, effectively, unless the House is prepared to assume the execution of the functions of the local Legislature, by passing, from day to day, the Bills which might be required, and which they must pass, in absence from the scene of action, and in entire ignorance of local wants and local wishes. But let not the House mistake the real state of the case, nor what has occurred in Canada since 1828. Let them mark well the progress of the present dispute, and the conduct of the House of Assembly with regard to it. In 1833 a Bill of Supply was passed by the Legislative Assembly, which was rejected by the Legislative Council for the reasons and under the circumstances which have already been mentioned on a former evening. In 1834 no such question arose; but the House of Assembly, on being called together, without any distinct refusal to vote a supply, passed the ninety-two resolutions, which were embodied in the address to this House, and which having been sent to the Governor to be forwarded, the Legislative Assembly separated; that is, so few of their members remained in Quebec attending to their duties, as to render it impossible to transact any business, and they could do no more than meet and adjourn. In 1835, the same process was pursued, and thus, for two years the Assembly separated without making any provision for the public service, or for the payment of the salaries due to the persons necessary to discharge the judicial offices in the colony, or to those other persons against whom it was never alleged either that their offices were unnecessary, or that their salaries were inadequate to the onerous duties which they had to perform.

Under these circumstances it became, in 1834, the duty of the Government to consider the best steps to pursue to raise the colony to a better state, and to provide some remedy for those evils which were entailed upon the province by the constant disputes and differences that arose between the Legislative Assembly and the Legislative Council; and, upon this point, notwithstanding the weakness and imbecility with which I and my colleagues are charged, I cannot regret that we did not adopt those harsher measures which would have led to an immediate quarrel;—that we did believe in the professions which were made, that, if the Canadians had a control over the expenditure, and if there were a fair distribution of offices, there would be no reason to fear but that the Legislature would cordially co-operate with the Government to carry on the executive functions. Her Majesty's Ministers may have been too credulous; but the course which they adopted was preferable to a harsh and little-provoked exercise of dominion, and the exercise of what Burke calls "the boundless power of imperial legislation." Lord Gosford went out in the year 1835, and carried with him instructions in a double capacity, both as governor and as a commissioner. As a governor, he was instructed to remedy every abuse, and to redress every grievance which was within the province of the Executive Government; and I may confidently appeal to every act of Lord Gosford, to prove that he fully and fairly acted up to the spirit of these instructions; for I believe that not a single complaint has been made against his Lordship, in his administration, charging him with any partiality, any preference to one race over another; or, at least, I have never heard such a complaint from the French Canadians themselves. It is true, that when the revolt had all but actually broken out, he did take measures for apprehending and punishing those who had set the law and his authority at defiance; he removed from commissions in the militia and the magistracy, not gentlemen who had merely attended a public meeting, to express a legitimate opposition to any given course of Government, but to pass resolutions subversive to all connection between this country and the colony, and tending to that direct infraction of the law which has since been acted upon. If Lord Gosford had waited till insurrection had actually taken place, till the men were to be met with arms in their hands, then, indeed, he might have been justly accused of imbecility for abstaining from acting, and for allowing the whole weight of their authority to add to the power which they might have with a misguided people; and I must say, that Lord Gosford has taken the course which every man of mind would have pursued. He used conciliation till the exercise of stronger powers was absolutely necessary, and when that necessity arose he did not fail in his duty. In 1834 or 1835 the first demand for an elective council was made, and the House of Assembly refused either to vote a supply, or to perform their other functions, till their demand was granted. Lord Gosford, acting under his instructions, on opening the Session, in November, 1835, informed the House of Assembly that he had received his Majesty's commands to place at the disposal of the House all the public moneys; subject, however, to the condition which he would submit for their consideration; that condition was the grant of a permanent Civil List. Lord Gosford said, further, "I am authorised to say, that no part of the surplus moneys shall be applied to other purposes than those to which they are now liable, except with your own consent. "It has, indeed, been said, that the message of Lord Dorchester had already, and for many years, placed these funds at the disposal of the colony; but all that Lord Dorchester's message did, was to pledge the Crown that the funds derived from the casual and territorial revenues, and the revenues arising under the Act of 14 Geo. III., should be strictly applied to colonial purposes. I am not aware whether they were placed at the disposal of the House of Assembly; but, at any rate, they were, by that message, only pledged to be used for colonial purposes, in aid of the revenue of the province. In stating Lord Gosford's message, placing these revenues at the disposal of the Legislative Assembly, I do not wish to claim for the present Government any share of merit to which they are not fairly entitled; and, in justice to the Government of the Right Honourable Baronet opposite, I must say, that to the same extent was that Government pledged, so far back as the period when Lord Aberdeen was at the head of the Colonial Office, and the pledge was contained in some signed despatches to Lord Amherst, which were left in the Colonial Office.

It is unnecessary for me, however, to travel through the early history of the Canadian differences; it is no part of my duty to defend former acts; it never was my intention to state that unjust principles had not been acted upon in the government of Lower Canada. It has been admitted again and again that there were grievances; but what I formerly stated and complained of, and to what I still adhere, is, that these have been redressed to the fullest extent; and when the more reasonable and more moderate, but not more strenuous, advocates of good government expressed themselves satisfied with that redress, others stepped in, and, denouncing those persons as renegades, declared that nothing less than an elective council or a separation from England would content them. To Lord Gosford's address a general answer was made by the Assembly; but several months elapsed before — indeed it was not till the month of March, 1836, four months afterwards, that—the House replied specifically to the Lieutenant Governor, declaring that the principal objects which they had, in the reforms they required, were, the introduction of the elective principle into the Legislative Council, to make the Executive Government directly responsible to the Assembly, to repeal certain Acts passed by the Imperial Parliament, and to give them a substantial control over the waste lands; and in order to prevent any misunderstanding, as to the demands which they thus preferred, they stated that the head of their reforms was the essential principle of introducing a system of election into the Legislative Council; and that "the people, without distinction, regarded the Council, as then constituted, one opposed to the wishes of the colony, and as the stronghold of abuse, and that any partial reform or alteration would be insufficient." Now, the Honourable and Learned Gentleman who has this night spoken at the bar, has said that the House ought to look to no other representation or explanation of the opinions of the Canadian people, but that which is stated by the House of Assembly, that body being the sole organ of the wishes of an united people. But what are the facts relative to this very reply, as elicited by the commissioners, — and for no part of their Report is there more convincing evidence than for this, — that so far from the people being unanimously of opinion that nothing short of the introduction of the elective principle will suffice, there is a large and influential body, of great wealth, especially commercial weath, who deprecate, as positively mischievous, the suggestion of an elective council; who think that, by conceding this principle, in the present state of the colony, the Government would be inflicting a great evil on the colony; and that Great Britain would be thereby receding from the position which she took when she induced many of her citizens to transfer themselves to, and to invest their property in, this colony.

I will not affirm that the Legislative Council is without fault. I am not an admirer of its original constitution, and I have admitted that it has, in its composition, many faults; I shall not, therefore, repeat the admission; but I must remark, that there is a great difference between making it elective, a mere echo of the House of Assembly—(and no other mode has been suggested)—and introducing into it such modifications as may secure for it the greater confidence of the people, and bring into greater harmony the two branches of the colonial Legislature;—but which shall still leave in existence the free exercise of an independent judgment. It may be said, that the recommendations of the Assembly ought to have been attended to; but it must not be forgotten that, at the time when those recommendations were made, three and half years' arrears of salaries were due, and a six months' supply only was granted, being but a small proportion of what was actually due, and making no provision for the future salaries; it thus became necessary to pay the money out of the Treasury, here. Lord Gosford stated that, in passing a Supply Bill for six months, they did so for the purpose of enabling his Majesty to return a favourable answer to their demands for altering the constitution of the Legislative Council, and upon other matters requiring grave consideration. Lord Gosford reported this answer, and prorogued the Assembly; and it has been asserted, that the Government ought to have assumed that the dispute between the Assembly and the Council was irreconcileable. But the Government still being willing to hope that these differences might be adjusted, without having recourse to measures of a stringent character, and considering that some passages in the reply of the Assembly showed a distrust of the Government, and misunderstanding of their intentions, — they directed Lord Gosford again to convene the Assembly, to lay before them the whole of his instructions, and to request them, with these explanations, to reconsider their determination. Lord Gosford accordingly convened the Assembly together, in October, 1836; and in answer to Lord Gosford they voted an address, in which they state: —

> The Assembly declared that they had not misunderstood the Government; and that in reference to a supply, they considered that a redress of grievances should precede a grant of money, and that they had come to the determination to adjourn their proceedings till the determination of the Government should be known, and till the second branch of the Legislature was made conformable to the wishes and wants of the people.

Sir, in this address they distinctly stated that nothing short of the introduction of the elective principle into the Legislative Council would render the composition of that body conformable to their views, and his Majesty's Government not being prepared to establish or propose the adoption of such a principle, came to Parliament, and asked for the resolutions which were passed last Session, in order to show to the Assembly what were the opinions of the Imperial Parliament upon the subject, and to convince the Canadian people that this was not a mere difference between the Government and the Canadian Legislature, but that such were the real sentiments of the British Legislature, hoping, thereby, to induce the Canadian Legislature to reconsider their resolutions, and to yield to the voice of the Imperial Parliament what it would not grant to the requests of the Executive Government. I regret that it has been necessary to call upon the Parliament to act as an arbitrator, and I regret still more that its arbitration has been rejected, and that the solemn resolutions of the Imperial Legislature have been met in a spirit still more hostile than before, and that a resolution has been passed by the Legislative Assembly that they will not resume their functions till the elective principle be accorded; and, not being able to propose a concession to their demands, because we conscientiously believe that such concession would be detrimental to the colony as well as to this country, and would tend to the dismemberment of the empire,—the Government are bound to provide the means by which a temporary substitution can be made for the discharge of the functions which have been abrogated by the Legislative Assembly, and to provide for the necessities of the colony, left without a Legislature. Against the Bill, now before the House, and which is proposed with this view, nothing has been urged by the Honourable and Learned Gentleman who has been heard at the bar, and nothing has been suggested by him as an equivalent, except that he asks us again to call together the Assembly, who have been three several times convened, and who have most unequivocally declared that they will never discharge their duties as one branch of the Legislature till the Government have complied with all their demands. The Bill now proposed is only a temporary measure, rendered necessary by the emergencies of the times; and I entertain an earnest hope, which I may venture to say amounts almost to a certainty, that this measure, in the hands of the Earl of Durham, coupled with the general instructions upon other points, which that Nobleman will receive, will effect the object so much desired,—that all past differences will be buried in entire oblivion, — and that all parties in the colony will concur in establishing a firm, a reasonable, a stable, and a liberal form of government, which will not only cement the connection between this country and the colony, but will also render the Canadas prosperous, and the people contented and happy. And I trust that, long before the period limited by this Act, my hopes being fully realised, her Majesty, upon the advice of her responsible advisers, will be able to avail herself of the power contained in this Bill, to shorten its duration, with advantage to all parties, and to call again into operation, under better auspices than have of late prevailed, the Canadian constitution. Reference has been made by the Honourable and Learned Gentleman to some points in which he asserts the Legislative Assembly has been wronged and driven to the course they have adopted by the conduct of the Executive Government. He has said, that money is the only object of the Governor, that no redress has been afforded, and that, in every other respect, except the attempt to get at the supplies, he has made long and useless delays. The Learned Gentleman has particularly complained of the delay which occurred in adding to the

Legislative Council the names of Members of a more liberal character than had theretofore been selected, and who possessed greater confidence with the Legislative Assembly; but I think that the papers on the table of the House afford full reason for the short delay which did take place; and, by a perusal of these papers it will be found, that Lord Gosford, in the month of June in the last year, after the most mature deliberation, sent home a list of men whom he had selected as fit to fill the important office, not, indeed, of men who were pledged strongly to any line of political conduct, either on one side or the other, but men entitled from their character and station, and, above all, their moderation, to the confidence of the country; and I must candidly confess, that the spirit in which those names were subsequently received, was such as to afford me no hope, that, if the selection had been made, and if the list had been forwarded, and the persons appointed at an earlier period, this increased celerity would have removed any of the evils which have been complained of, or would have produced any quicker reconciliation between the two branches of the Legislature. For, have not Honourable Members heard, even in this House, men who do not form part of the extreme party in Canada, and who do not go to the full extent of the views of the Assembly, designated as worse than the most violent of the Canadian party? Is there any disposition to give credit for liberality to any other in that colony than men who look not to the attainment of an effective reform, such as the Imperial Parliament has agreed to, and has, more than once, pledged itself to grant,—but who have determined upon having an elective Legislative Council, and who labour to produce a separation from the mother country, and to establish the independence of the colony;—measures alike inconsistent with the interests of Great Britain and of Canada. Allusion has also been made by the Learned Gentleman to acts which have taken place since the passing of the resolutions, and he has quoted extracts from papers published in America, and by the more violent party in the colony itself, and has ventured, or endeavoured — for I trust that he has not succeeded in his attempt — to fix a stigma on her Majesty's Government, and a stigma on the Gallant Officer commanding in Lower Canada, on account of the supposed misconduct of the troops; — an insinuation which at no time ought to be allowed to be made in this House, either by a Member, or one at the bar, except when it is intended to support the charge by proofs, and unless there be some other foundation on which it rests of more weight than anonymous newspaper paragraphs. I would ask, whether the persons who have made the statements are prepared to prove that villages have been burned, that houses have been sacked, and to prove the mysterious allusions to all those other outrages usually perpetrated by an excited soldiery in a state of war? If they are prepared with such proof, I hope they will not delay the bringing it forward; but, in the mean time, I must express my utter disbelief in the statement, and, from the high character of the officer commanding the troops, I think I may safely assert that there are no grounds for it. The Honourable and Learned Gentleman has also, to-night, and the Honourable Member for Kilkenny has, on a former occasion, alluded, in severe terms, to the conduct of Lord Gosford with respect to the selection of the magistrates, who are said to have been chosen solely from one violent political party, and to have been appointed only to carry into effect the determination of the Governor with respect to the state prosecutions. Now, though I have not before me the names in the list of magistrates who were dismissed by Lord Gosford, nor of those whom he has since appointed, as moved for by the Honourable Member for Kilkenny on a former night, yet, I think that some information as to their general character may be gleaned from the despatches. In Lord Gosford's despatch, dated Nov. 22. 1837, in the inclosure containing a report from the Attorney and Solicitor General respecting the proceedings in the district of Montreal, it is said: —

> Our undivided attention has been devoted to the attainment of such evidence as would authorise the arrest of those political incendiaries to whose machinations the present alarming state of this city and district is to be attributed. Having at length accomplished this important object, by the assistance of Messrs. Cuvillier and Penn, two of the magistrates of this district, to whom the depositions and accompanying documents were submitted, with our opinion that the charges contained in them amounted to high treason against the parties implicated therein, warrants were issued for their apprehension.

Now, Sir, is Mr. Cuvillier one of the English magistrates of whom it is said they are animated with a bitter feeling against the people of Canada? Is he one likely to be a party to such measures as have been described? Mr. Cuvillier was one of the agents to this country from Canada, in company with Mr. Neilson;

and although he refuses to follow the Papineau party, there is not the slightest evidence to prove that he wishes to abandon those principles of liberty which he has ever advocated, or the improvements in the government for which he has ever contended: and notwithstanding that he is still prepared to advocate the rights of the Assembly and of the people, yet, as he is attached to those rights, so is he prepared to make a firm stand in supporting the Government against all attempts to subvert the Queen's authority, or to raise the standard of revolt and insurrection. I believe that every step which has been taken by the Executive Government of Lower Canada will bear the fullest investigation; indeed, I have heard no specific charge alleged. All who have spoken on this subject have contented themselves with dealing in general allegations against the Governor, except in one case, and that has been stated in the absence of all authority; for although there are, at present, no documents relating to this charge to which reference can be made, yet as far as the evidence goes, there appears the most perfect exculpation. One statement which the Honourable and Learned Gentleman made I cannot allow to pass unnoticed. He has repeated what has been already explained; and I do think, after the contradiction which had been given, the misquotation (I will not call it by the harsher term of culpable ignorance) of facts, ought not to have been repeated. In Colonel Wetherall's report, dated from St. Charles, the 27th of November, are contained these words: "I burnt the barn;" and in this passage, to make up the forced construction of the Honourable and Learned Gentleman, the words "with all the individuals in it" are interpolated; and hence the assumed wanton destruction of human life. It is not just to the parties against whom these charges have been made, that statements like these, founded upon no authority whatever, should be permitted to go forth to the world without the fullest contradiction. There is not the slightest authority for saying, that at the moment when the barn was burnt there was any person within it; there is no evidence in the despatches upon which such a supposition can be formed. Colonel Wetherall was fired at from this very barn, while his troops were advancing, and the destruction of it was necessary, and in accordance with the practice universally adopted under such circumstances. I would put it to the Honourable Member for Westminster (Mr. Leader), who was present at the meeting at the Crown and Anchor Tavern, whether, in his opinion, it is just or fair that statements such as were made at that meeting should be sent forth to the public, it being notorious that there was no evidence by which they could be substantiated? I am anxious that the facts should be known, — that they should be known as widely as possible; for the more widely they are promulgated, the more satisfied shall I be that it will appear that in this matter her Majesty's Government have not departed from a course of justice, wisdom, and sound policy, and that only upon a great emergency arising have they been driven to discharge a painful though imperative duty, — a duty from which they have not shrunk, but which, being tempered with conciliation, will, I trust, tend to allay those unfortunate differences which recent events have produced: — a duty, the performance of which will impose a heavy responsibility on the Noble Lord with whom it is to be intrusted; but which, while effectively discharged on the one hand, will, I am confident, be so tempered with conciliation on the other, that nothing may be left undone to regain and cement the affections of the Canadian people to the mother country. And while we propose a remedy for the existing evils, we do so with the fullest hope that it will lead to the foundation of an improved system of government, — a system of government under which the Canadas will flourish, — and which, while it leads them to know and appreciate the value of British connection and protection, will at the same time afford the best and strongest security for the continuance of the British dominion in that part of the world, instead of being the perpetual source of discord and dissatisfaction.

LORD FRANCIS EGERTON.— Not having had a previous opportunity of joining in the debates upon this subject, I feel anxious to trespass on the attention of the House for a short time, in order that I may explain the grounds on which I am disposed to give my feeble but persevering support to the measure proposed by the officers of her Majesty's Government. I feel it the more necessary to do this, because this measure appears likely, so far as I can judge from recent events, and from the discussions which have taken place in this House, to meet with more than the usual degree of concurrence and unanimity which is accorded to others of a similar stringent description, involving as it does a wide departure from our accustomed principles of legislation; and besides, as it may happen, and does happen, that many Honourable Members abandon their usual course on this occasion, their reasons, it is probable, will be somewhat various, and it is therefore the more necessary to state the grounds on which I propose, though with unfeigned reluctance, to support her Majesty's Government. I give my support to this measure on the ground which has been stated by the Honourable Member who has just spoken, — on the ground of the necessity of the case, — without any party purpose or party view. I will not stop to inquire how far the existing difficulties may have been either created, fostered, or discouraged by any acts of omission or commission on the part of the Colonial Department. I do not think that the present is the time, *flagrante bello*, to inquire whether it is to any recent conduct on the part of her Majesty's Ministers that the present state of things ought to be ascribed? It is upon the necessity of the case only, however arising, that I shall, upon this occasion, lend my feeble assistance to her Majesty's Government. If, however, I were to look for other reasons for doing so, I should be at some loss to find them in the papers now upon the table of the House. There are passages in those papers which lead me to anything but increased confidence in the wisdom of her Majesty's present Ministers, in carrying out this or any other measure for the same object, and I will illustrate my view by briefly adverting to one or two such passages which appear to me to involve principles, views, and opinions to which I should be sorry for my constituents to infer, from my silence, that I give my assent. One of the first passages,—which is rather peculiar, — occurs in a despatch from the Noble Lord at the head of the Colonial Department to the Earl of Gosford, in which the Noble Lord professes to account for the delay in passing those measures of actual legislation which were to follow the resolutions of the last Session, — a delay which has given little satisfaction either to that party who were opposed to the spirit of the resolutions of the British Parliament, or of the more contented and peaceable party in Lower Canada. This is the language of the Noble Lord, speaking on behalf of himself and his Colleagues in the Cabinet: —

> Much as her Majesty's Government have always lamented the necessity of adopting such a measure under any circumstances, they would at the present moment feel a peculiar reluctance in resorting to it, as they would deeply regret that one of the first acts of the reign of her most gracious Majesty should carry even the semblance of an ungracious spirit towards the representatives of her Majesty's loyal and faithful subjects in that province.

I do not know how the Canadians may have been affected by this declaration, but it does appear to me that no other despatch can afford a parallel to such an ill-timed piece of sickly sentimentality. What inference must we draw from the delay being justified on this ground? What a strange compliment is it to the memory of our late Sovereign William IV. and to the rising genius of our young Queen Victoria! For the character of our late King here is neither regard nor respect. He is allowed to go down to his grave bearing with him all the odour of coercion; and to his name is to be attached all the obloquy of a measure which the Canadian people regard as an infringement upon their rights. But what advantage is thus gained to our youthful Sovereign, when it is admitted in the very same paragraph that the necessity of this ungracious measure is only deferred to a period not very distant, and when the document itself gives distinct evidence that there is no intention to defer this measure of coercion beyond the first Session of the new Parliament? It does appear to me that passages such as these, in official despatches, do more credit to the ingenuity than the judgment and good sense of the writers.

There is also another passage which has attracted my attention, and which has reference to the recall of the Noble Lord who is about to be succeeded in his government by Lord Durham. The country has heard a great deal lately about the recall of governors. Sir F. Head has been recalled from his government of Upper Canada. We know not why. There may be a difference of opinion on this subject; but to Honourable Gentlemen on this side of the House it does appear that Sir F. Head has conducted the affairs of Upper Canada with considerable ability and success. There is certainly something peculiar in the way of conducting the affairs of that province. Everybody is in ignorance why Sir F. Head was appointed governor of it, as the gallant officer whom he displaced was considered to have governed it successfully; and now everybody is in as dark ignorance why Sir F. Head is removed from it. There may be good grounds for the removal of Sir F. Head, but I know them not. But we do know the reasons why the Earl of Gosford is recalled, and they are, perhaps, more singular than anything else contained in these papers. That the Earl of Gosford, in the existing state of things, should desire his recal is perfectly natural; that his desire should be complied with may be consistent with the credit which her Majesty's Ministers are inclined to bestow upon him for good intentions during his administration; but it is difficult to explain the express grounds on which they have acceded to it. If the Earl of Gosford had said to Lord Glenelg, "The storm is gathering round me; I do not like to face it: I do not wish to remain here, appoint me a successor," nothing could have been more fair or more intelligible; and it is only when the two Noble Lords name their reasons, the one for making the request, and the other for acceding to it, that I am compelled to refuse my assent to the principle involved in them. The Earl of Gosford says to Lord Glenelg, "My situation now is not an enviable one." God forbid that I should dispute that proposition. "And," continues Lord Gosford, "on every private consideration I should gladly relinquish it. It is probable, and indeed reasonable, that if matters here should come to extremities, you would prefer to have a man in my place who had not so avowedly declared his wish to carry on his government on the principle of conciliation."

I have been led to suppose, from everything which I have read and heard of history, that the best instrument for tempering justice with mercy, and for administering justifiable coercion, was the man who had exhausted every measure of conciliation and peace; and it is against the contrary doctrine asserted by Lord Gosford that I am now anxious to record my dissent. I am not surprised that the Earl of Gosford, who was new to the transaction of public affairs, should, by a slip of his pen, have allowed such an inference to be drawn from his words; but I am surprised that a veteran in state affairs, like Lord Glenelg, should have ratified that inference. I find, on turning to his despatch of the 27th of November, that Lord Glenelg says — "It is impossible not to perceive that the course of policy which must now be pursued will be more conveniently followed out by one less implicated than yourself in the events of the last few years." I am stating my objection to that principle; but I do, indeed, wonder that Lord Glenelg should have used such language; for how could he escape seeing that in using it he was writing down his own disqualification? What has been the course pursued by Lord Glenelg with regard to this very province of Lower Canada? It has been a course of concession after concession. I should have expected that Lord Glenelg, instead of accepting the resignation of the Earl of Gosford, would have exerted all his eloquence to persuade his Noble Friend to withdraw his tender of it. I wonder that he did not persuade Lord Gosford to withdraw it, instead of allowing it to come before the public in this shape. As Lord Glenelg has not done so, the Earl of Gosford must suppose, and the people of Canada must suppose, that we are going to send out to that province a man of iron nerves, some one uniting the unconstitutional cruelty of a Jefferies with the vigorous energy of a Strafford — whereas we are sending out to it the Earl of Durham, a nobleman as liberal as the Cabinet itself, and who from his political principles must have every wish to conciliate the people of Canada which has animated his predecessor, the Earl of Gosford. I do not state this for the purpose of imputing any blame to the Earl of Gosford for what he considers to be the just discharge of his duties. I know that Noble Earl well; and I am quite convinced that during his administration of the government of Canada, it has always been his most anxious wish to do justice to all parties in that distracted colony. I must again repeat that I do not support this Bill on account of anything which I find in those papers. There are many sins of omission in them which I have not hitherto seen noticed. The papers, indeed, bear the name of "extracts," but as I have been informed on high authority, which I cannot think of lightly questioning, that they contained every document of importance, —I do not feel myself entitled to take the liberty of animadverting on their sins of omission, which have been handled so roughly and cavalierly by a distinguished personage, who was once more closely connected with the Noble Secretary for the Colonies than it was ever my good fortune to be. I understand that this Bill is likely to meet the concurrence of the House. The minority has fallen to a number approximating to zero. That, I think, will disappoint the party in Canada which is expecting to find in this House another party ready to support their project for separating themselves from the government of this country. There may be reasons inducing Honourable Members on the other side of the House to support this Bill, which do not influence either myself or the Honourable Friends by whom I am surrounded. I have heard it stated that some Honourable Members are pleased with the appointment of the Earl of Durham to exercise the extraordinary powers given by this Bill. It would be idle for me, even with all the respect which I sincerely entertain for the personal character of the Earl of Durham, to say that the political views and sentiments of that Noble Earl are any recommendation to me. Indeed, I should hope that there is not a single Member in the House who would consent to grant the powers contained in this Bill on account merely of his liking for the individual to whom they are to be intrusted. I have that knowledge of the Noble individual who is to exercise them, that on every ground, political and personal, I should be rejoiced to find that he has performed the duties of his station, which he has so ably and compendiously described in words of his own, with credit to himself and with advantage to the colony to which he is going out as Governor. But, as a Member of this House, I cannot look at the qualifications and character of the person who is to exercise those high and extraordinary powers as any reason for granting them, if such grant be not justified by the necessity of the case. Then, as to the amnesty which is to be carried into effect by the Earl of Durham. It has been said that the power of proclaiming an annesty has been the condition which recommends his mission to that Noble Earl, and in point of fact which forms the principal recommendation of this Bill. Now this Bill, it ought to be remarked, has nothing whatever to do with the proclamation of any amnesty to the disaffected in Canada. I may suppose that the Noble Earl has received authority to proclaim an amnesty — but if he has not, certainly this Bill does not grant it. I wish not, however, to be misunderstood. It is not that I am opposed to the proclamation of an amnesty that I make this remark. Quite the reverse. If the Bill had contained a clause which either limited or defeated the power of granting pardon to rebellious persons, or if it had specified any individual by name as excluded from the benefit of any amnesty to be hereafter granted, in such cases I should have opposed it to the utmost. I think that no Honourable Gentleman on the other side of the House can be more inclined to recommend a policy, in this particular case, which should comprehend an amnesty, than I do; viewing it as, as I certainly hold it to be, a case distinct and separate from every other. The House has been told by the Noble Lord opposite, that few insurrections involving the usual consequences of insurrection — namely, bloodshed and the destruction of property— have had less excuse than that which has now called the House of Commons together. In spite of what has been this night asserted by the Learned Gentleman whom we heard at the bar, I do believe that there is much truth in the assertion of the Noble Lord. I believe that few insurrections have had so little excuse as this in Canada, for the outrage by its means committed against the power and dignity of Great Britain. In another point of view, I do think that few insurrections have had so much to excuse them; because, to be sure, few have ever received greater encouragement from the violent and exciting speeches made in this House and elsewhere. I do not mean to go into particulars, for it is not the duty of this House to point out and denounce expressions of sedition and treason; but it is the business of Government to censure and repress them. I say it is the business of her Majesty's Attorney-General, and his bounden duty, to take notice of all speeches of that nature. I do not, indeed, impute such speeches to any Member of this House, but I will observe that the effect of various speeches delivered in this country has been to convince individuals in Canada (who knew as little of the public feeling here, as we perhaps knew of the public feeling in the forests of Canada and in the towns of North America),— that in the event of their doings in Canada happening to amount to treason or only to an offence, designated by a milder name, they will meet with the sympathy of a party in this country, who will not only excuse them, but will give to them their powerful and able support; who are capable of doing them good service: and who will redeem them from the penalties of the law in case their criminal efforts should be attended with failure, and such service and support thereupon become necessary.

I think the circumstances I have mentioned must constitute a great excuse for whatever is most to be deprecated in the conduct of these individuals. I believe they have miscalculated the direction of feeling and opinion in this country, if they have allowed themselves to cherish this sort of impression; but I cannot wonder that they should have given credit to the assurances conveyed to them from the other side of the House. They have been told, I doubt not, that there is a party in this country which entertains views similar to their own, of whose political creed it is a tenet that the separation which the insurgents themselves so much desire, would be advantageous both to the colony and to the mother country; they have been told, we may be assured, that this party is able and persevering, and possessed of great advantages of position, — that its power is not to be estimated merely by its numbers, since it exists, not *in*, but *over* the Government; that that party is one upon which the Government of the present day very much depends for its existence, and to which that Government must consequently be very subservient, — that that party is one which the Government might resist upon one question, but to which it was bound to redeem its resistance by some compensation upon some other question. These people have been told these things, and I do not wonder that they should believe them. They may have been told, indeed, that upon some questions Government would reassert its dignity; that upon this very question of Canada, for instance, they would find Government opposed to them, aided by an opposition which has not yet failed the Government in any emergency where a great principle was at stake, — where the prosperity and interests of the country were concerned,—and which will continue to give efficient support to Ministers in the aid both of numbers and of talents, as far as regards the measures they may think it necessary to bring forward for the tranquillisation of Canada. But still they have been told to consider those tests of public feeling, and of the relative situation of parties, which such events as contested elections supply; and they cannot believe that Ministers will assert the independence of the government of that party which they, the Canadians, know, or which they believe, will stand their friend, when they find the active support given by Ministers to the very advocates of their own views and proceedings. The feelings of the majority of the people of this country may not perhaps be in their favour, but still public events take place, the intelligence of which, rapidly transmitted by modern modes of communication, produce important effects on the minds of the disaffected colonists. There has been a voice of wailing over a defeat at Bath, and a shout of drunken triumph over a success at Westminster.

[Cries of "Hear, hear!" and laughter.]

Why, Sir, is it not true that the Canadians who have embarked in this conflict, have been informed that the influence of the Crown has been used in favour of the candidates who have supported their cause at these elections; and after the discussions that have taken place on this subject, and the strenuous conflicts in which those candidates have been victorious or have been defeated; can they believe that the party which has thus already wrung this support from Government have not power and influence on which they may rely for the realisation of their projects? It is for these reasons I am obliged to admit that there has been considerable excuse for the ill-founded hopes which have, unhappily, been excited among the Canadians. I do not know what may be the effect produced in the colony by recent transactions in this country; I do not know what may be the consequences of the defalcations which have occurred in the ranks of those unarmed supporters here, on whom the insurgents have no doubt relied; they have been deceived in their expectations of assistance to be derived from a party in England, but I believe that up to a very late period the inspiration on which such men as M'Kenzie had acted, had been drawn from a conviction that the support and assistance they would receive from their friends, here, would carry them through the arduous contest in which they had embarked. On such grounds, then, I, for one, cannot call down the vengeance of the law, cannot consent to aid the hangman in his office; I cannot call down the penalties of treason on those who have been deluded by false hopes of encouragement, whilst those who have held out that encouragement have been suffered to escape, without censure, by the constituted authorities, whose duty it was to notice such irregularities. It is not my duty to do so, and I have therefore not lavishly thrown out imputations of treason on any man. I have confined myself to the expression of my belief, that language has been used in reference to this question such as must create hopes that the objects we have lately seen attempted will ultimately be attained.

On the conduct of her Majesty's troops I am not disposed to enter minutely, having only those means of information to which every other Gentleman in this House has access. I was happy to hear the Honourable Baronet the Secretary for the Colonies state his belief, in which I most cordially concur, that any violence which has been used was only the necessary and inevitable consequence of an armed collision, under such circumstances as have distinguished the Canadian revolt. I am convinced that the events of that contest have furnished an additional proof of the utitity and efficiency of the small force (for such it must be considered) maintained in the colony. I am fully satisfied that no other state in Europe would have attempted to put down such an insurrection with so trifling a force, and from the efficiency of the troops on this, as on all other occasions, — in time of general peace as in times of war, — I hope that when any attempt is made to tamper with the system under which their discipline has been brought to such a perfection, this House will pause long and carefully before it adopts any material alteration in it. With regard to the question of reinforcing the troops in the colony, were it to be decided exclusively by principles of military science, I should say nothing; but it does not appear to me to be altogether a military question. The question is, not whether Sir John Colborne or any other officer equally competent to decide the matter, had written to a Member of Administration, announcing that he had troops sufficient to hold all the strong places in the country, and put down any partial rising of the disaffected. The question I should have liked to ask Sir J. Colborne — one that I think it would be very difficult for any officer to answer, however great might be his military skill — would be this, "Have you forces sufficient, not to put down any casual outbreak of insurrection, or ebullition of angry feeling, but — to overawe and intimidate those who are disaffected and disposed to violence throughout the whole province, and to prevent such occurrences as are detailed in the papers on the table?" This is a question which we hardly possess documents sufficient to decide at this moment, but I certainly do not think Ministers stand clear from blame on the subject. Even viewing it as a military question, the last accounts received from Canada state that Sir J. Colborne was about to leave his quarters at the head of all the disposable men in the neighbourhood to attack the insurgent force. Considerable objections may yet be taken to several provisions of the Bill, as well as to the principles on which Ministers may be proposing to carry it out; but I shall reserve for the committee any objections which I may have to offer to any portion of the Bill. The course pursued by Gentlemen on my side of the House will be that which we have uniformly followed on similar occasions — that of giving our best support to a measure which Ministers, on their own responsibility, assure the House to be indispensable for the re-establishment of peace; and though I rgret that it should be necessary to send out a Governor armed with powers almost dictatorial, I am willing to acquiesce in the declaration of the Right Honourable Gentleman, that these are necessary to enable the noble individual chosen to execute his delegated office.

Mr. LEADER. — After the admirable speech which has just been made at the bar, it is almost unnecessary for any Member to make any observations in opposition to this Bill. I, however, feel called upon to address some remarks to the House in answer to the speeches which a Noble and Honourable Members have just delivered. I cannot help feeling that it is a most painful and disagreeable subject to follow the Honourable Baronet through the details of his speech; and here I will at once remark as to the charge made by Mr. Roebuck with respect to the treatment of the people of Canada by the soldiers,—that that learned gentleman had good authority for asserting that great severities and injuries had been committed by the troops both at St. Denis and St. Charles, and he was justified in saying that they had been guilty of excesses in Canada as if they had been in an enemy's country; for they not only burnt the fortified houses, but they also sacked and burnt other houses in those villages. The Honourable Baronet said that the assertions of Mr. Roebuck on this subject were exaggerated, and that Mr. Roebuck had made his statements on the authority of paragraphs in American newspapers. Now, I can state that this is not the case, but that the statement is made on the authority of a gentleman who arrived from Canada by the last New York packet, namely, the Westminster. I have myself heard that gentleman, who is an Englishman, and has had nothing to do with what the Honourable Baronet called the "treasonable practices" that have taken place in Canada—I cannot understand that cheer; but I am satisfied that many Canadians are charged with treasonable practices who are guilty of nothing of the kind, and it is rather hard to call them by such names before they are proved to be guilty. I have heard the gentleman, to whom I allude, make the statement almost in the same words as have been used by Mr. Roebuck as to the villages of St. Denis and St. Charles having been burned and sacked. I have, however, evidence on this point which will be considered better and of more weight by Honourable Gentlemen. I would refer the Honourable Baronet to this better evidence, namely the despatches of the Governor of Canada and the military officers who were engaged, and from them I can prove that an unnecessary degree of harshness and severity has been used, and that the property of Canadians has been wantonly destroyed. The troops not only destroyed the stronghold of the insurgents, but also the houses and property of persons who sided with the House of Assembly.

[Cries of "Hear!" and, "Oh!"]

I repeat, it was merely for siding with the House of Assembly that they had had their property destroyed. In the despatch of Colonel Wetherall, dated St. Charles, the 22d of November he says, "I then advanced to another position, 100 yards from the works, but finding the defenders obstinate, I stormed and carried them, burning every building within the stockade except that of the Honourable Mr. Debartsch;" and the House will hardly believe, what is the fact, that the house of Mr. Debartsch is the strongest house in the village, and that was not destroyed, because the owner of it was a member of the Legislative Council, and a supporter of the Government. It seems, then, that this property was not destroyed, not because it did not afford protection to the insurgents from the fire of the troops, but because it belonged to a person attached to the Government — it was saved from destruction when other houses not nearly so strong were destroyed, because it belonged to a partisan of the Government. The fact was also stated in the despatch of the Earl of Gosford, alluding to the proceedings of Colonel Gore at St. Denis, "after destroying the houses from which the troops had been fired on at the former attack." It appears, then, that these houses were destroyed which were no longer occupied by troops, for it is distinctly stated, that the houses were so destroyed by the troops because they had been fired upon from them in the former attack. There is also a paragraph in the despatch of Colonel Gore which was confirmatory of this; he says, "the property of the rebel Wolfred Nelson was, in the course of the day and the next morning destroyed, and also the fortified house and all the defences." I recollect that great blame was cast on myself and others for having stated that it was probable that the Lower Canadians would confiscate the property of their opponents if their party happened to be successful. It was said, that observations of that kind only encouraged them to confiscate the property of opponents; but I did not allude to it with any such view, but only mentioned it as a probable event. If, however, it is such a horrible thing even to allude to such a thing as confiscation, how comes it that the property of Wolfred Nelson was destroyed, as well as all the other houses in the village?

[Cries of "Hear, hear!"]

That cheer proves to me that the property of Wolfred Nelson was destroyed because he was opposed to the Government, and not because his house was fortified. I think that on this point I have proved that the attack of the Honourable Baronet on Mr. Roebuck was neither fair nor justifiable, for the despatches to the Colonial Office fully justified my learned friend in stating that a great deal more severity and harshness had been resorted to than were called for in common warfare. It is clear, from the despatches I have quoted, that the houses of those not engaged in the war had been destroyed, and that fellow-subjects not in arms had been deprived of their property. If you are anxious to put down this insurrection and secure the peaceful government of the country, the best way to do so is by conciliation, and not by working on the excited feelings of the people of Canada and by the destruction of property.

Before entering on the merits of the Bill before us, it is necessary, for the sake of doing justice to all parties concerned, that I should say a few words as to the origin of the present deplorable contest in Lower Canada. Throughout the discussion three causes have been assigned by various parties for the discontent and insurrection of the Canadians. First, the Noble Lord and his Friends on this side, as on the other side of the House, lay much of the blame on the machinations of a few demagogues, who, we are told in one speech, have agitated, and disorganised, and inflamed to revolutionary madness the whole Canadian population, and who, we are told in another speech, though very anxious to cause confusion, have signally failed in their attempt, being supported by only a very small portion of ignorant and deluded peasantry in one or two districts. Leaving these contradictory statements to be reconciled with each other and with the truth, I proceed to the second alleged cause of the insurrection. The Noble Lord solemnly arraigned the House of Assembly, and traced all the mischief to their conduct. I will not detain the House by defending their conduct; that task will, I trust, soon be performed by the man in this country most capable of doing justice to it. But this I must say, that from first to last the Assembly exercised a constitutional right solemnly guaranteed to them by this country. If blame, then, is to be attached to any persons, it should be attached to those who gave to the Assembly a power which was not to be used — who put into the hands of the Canadian representatives a weapon for using which in their own defence you are now about to inflict punishment upon them. The third alleged cause is that insisted on by the Gentlemen opposite, namely, the incompetence, vacillation, and procrastination of the present Ministers. It is not necessary to stop to inquire into the exact proportion of the mischief produced which should be attributed to each of these three causes, nor to weigh nicely the exact amount of evil which should in strict justice be assigned to each, nor even whether one or even two of them exist merely in the imagination of those who propound them: but there is a fourth cause, which I believe to be the real cause and origin of all the discontent, and of the consequent disturbances, and that is, the Tory misgovernment of the colony during more than twenty years. In order to prove which I am the more anxious to remark on this period of the misgovernment of Canada, in consequence of the praise bestowed by my Honourable Friend the Member for London and by my Honourable Friend the Member for Kilkenny on the liberal despatches and the liberal intentions of Sir George Murray and Lord Aberdeen. It is very true that their despatches contain an expression of liberal sentiments, and hold out a hope that liberal measures will be adopted; but, unfortunately for the Canadians, these liberal views were never acted on, were never carried into effect; they had their beginning and their ending in the despatches; and for all the good which they conferred on the Canadians they might as well never have been written, or rather, it would have been better if they had not been written, for they tended to raise expectations which were cruelly disappointed, and thereby added to the suspicion and bad feeling already existing in the province. This assertion is well founded. I refer to the debates which took place on the subject of Canada in the years 1828, 1829, and 1830. I find Sir J. Mackintosh, Mr. Labouchere, Mr. Stanley (the Noble Lord now Member for North Lancashire), Lord Sandon, Lord Howick, Mr. C. Grant (now Colonial Secretary), Lord Althorp, Mr. Evelyn Denison, Lord Milton, and Mr. Stuart Wortley, all complaining of the misgovernment of Canada, and most of them strongly condemning the Legislative Council, both for its composition and conduct. As I know how disagreeable it is to the House to hear extracts from former debates, I will not trouble you with them now. I would also refer Members who are not aware of the facts to the evidence given by Mr. E. Ellis before the committee of 1828. They will find him speaking of "a long course of mismanagement, and a constant attempt to reconcile contradictory principles in the administration of affairs in Canada;" of "evils which were not theoretical, but practical, and which formed just grounds of complaint;" of "taxes levied against the will of the House of Assembly;" of "vexatious dissolutions and prorogations of the Assembly;" of "a perseverance in measures illegal and offensive to the rights and feelings of the people;" of "the French and English population having been almost brought into collision, and a wider separation between them in opinion on all matters of internal government and legislation having been rather encouraged than checked." These and many more grave charges are brought against the Government in his evidence, which is, indeed one of the best exposures on record of the misgovernment of Canada by the Tories.

From these documents to which I have referred, it is evident that the grievances which had been experienced in Canada, as early as 1820, which reached this country, and excited the attention of some Members of this House, and caused a committee of inquiry in 1828, were, though acknowledged, unredressed in 1830, — the revenues of the province plundered, — its treasury bankrupt, — its suitors robbed, — the constitutional rights of the people disregarded, — one portion of the Legislature (that which was nominated by the Crown) allowed by every one to be utterly unfit for the government of the country, — the most arbitrary acts perpetrated by the Governor: — these were the grievances of Tory domination — these were the wrongs of Tory misrule. The long delay of redress and of justice exasperated the feelings of the people of the province, and caused them to view with distrust and suspicion the conduct of the Government of this country. This gave rise to the feelings of discontent and dissatisfaction which have since expanded to a fearful extent. This justifies me, I think, in the assertion that the contest which now desolates Canada derived its origin from its long-continued misgovernment by the Tory Ministers of this country. So much for Tory mismanagement. But it may be said, as against the Canadians, that when the Whigs came into office they, by the wisdom and prudence of their views, and by the decision with which they carried their views into effect, completely repaired all the errors of their predecessors, and by a course of wise conciliation, united with a firm adherence to the real interests both of England and of Canada, soon settled the differences, and removed the rancorous feelings, which Tory mismanagement had produced. It has, indeed, been boldly asserted by the friends of the present Government that all the grievances of the Canadians have been redressed. I have a few observations to make as to the conduct of the Whigs, and especially as to their having redressed all the grievances of the Canadians. I must, however, first remark, that grievances which, in 1820, might easily have been redressed, had, in 1828, become more complicated, and, in 1831, greater concessions were required to compensate for long-continued wrongs. In 1828 the recommendation of the committee would have been gladly accepted. The Noble Lord has, himself, told us that the Canadians styled it "an imperishable monument of the wisdom and justice of Parliament." It is a pity that it was not carried into effect. In 1831, a greater measure of concession was looked for, as the delay of justice had increased the apprehensions of the people, and caused them to demand greater securities for good government. If, therefore, the demands of the Canadians have gone on increasing, the blame rests not on them, but on those who permitted acknowledged abuses to continue in existence. The conduct of the Tory party had tended to produce, in the minds of the more reflecting of our North American subjects, a conviction that it was impossible for a mother country to govern wisely and well, a powerful and distant colony, whose interests were most complicated. Moreover, they began to perceive that, unacquainted as the people of this country must be with those interests, and uninterested likewise as they must feel in the internal concerns of distant dependencies, it was impossible to enforce anything like effective responsibility on the Home Government of the colonies; and that, where responsibility was wanting, the experience of all ages proved that abuses would exist, and, though acknowledged, remain unredressed; and of the truth of these positions they had had grievous practical proof in the violence of Sir James Craig, in the arbitrary conduct of Lord Dalhousie, and in the policy of the Colonial Office during a long series of years. With these feelings, the Canadians increased their demands for local powers, convinced that the only chance of good government consisted in the greatest amount of self-government, and in the greatest amount of independence of their country, which was consistent with the supremacy of Great Britain; for, as yet, they had no desire to shake off our yoke. It must be allowed, therefore, that the position of the Whigs, when they came into power, was a far more difficult one than that of their predecessors at the commencement or at any other period of the dispute. But I ask, have they, in any way, shown themselves equal to the task, or even attempted to overcome the difficulties of their position? Have they even accomplished the recommendation of the committee of 1828? I will answer the last question in the words of their own commissioners, who made a Report in 1837. The great grievance, and the one which originated many other grievances, was—the composition and conduct and political character of the Legislative Council. This body had been condemned, as I have shown, by men of all parties, from 1828 to this time, and the committee of 1828 had recommended a great alteration in its composition. An alteration was indeed made in it in 1832, by the judges ceasing to take part in its proceedings, and by the addition of thirteen new members unconnected with the Government. How, in the first place, was this alteration, and how were the new appointments received by the Assembly? Their reception may be gathered from the ninety-two resolutions of 1834, and particularly from the 24th, which says:—

> Such of the recently appointed councillors as were taken from the majority of the Assembly, and had entertained the hope that a sufficient number of independent men, holding opinions in unison with those of the majority of the people and of their representatives, would be associated with them, must now feel that they are overwhelmed by a majority hostile to the country.

It was the political character of the Legislative Council which induced it to oppose the Assembly, to reject all measures, even for education and annual supply, voted by the Assembly. It was the political character which caused the chief part of its evil, and which required, above all, an alteration. But your own commissioners tell you that object was not effected in 1837, though recommended in 1828. The fact is, that, in altering the Legislative Council, you kept the word of promise to the ear, and broke it to the sense; and, after your alteration, the Legislative Council was as hostile to the Assembly, and as great an obstacle to all useful and even necessary legislation, as when denounced by Mr. Labouchere in 1828, or by Lord Sandon in 1830. But have the Whigs shown themselves equal to the difficult task of arranging the disputes and smoothing the asperities caused by the long misgovernment of their predecessors? To that question there is a sad but significant answer, — Canada has revolted. The Whigs have done positively nothing to overcome the many and great obstacles that stood in the way of a peaceable settlement of Canadian differences. They promised much, — they talked of infusing a liberal spirit into the Legislative Council, — they sent out a commission to inquire into grievances which were notorious, instead of sending out a Governor with power to redress them, and to conciliate the people. It seems that the Whig Ministers were afraid of facing the difficulty, and of acting on their own often-avowed principles of government; the commission afforded them delay, and a breathing-time; and when this Whig commission made its Report last year, what information, not already common to every man who had looked at the subject, did it afford? What measure of conciliation, what remedy for acknowledged evils, did it suggest? The Canadians asked for redress of grievances, many of which the commission acknowledged in the Report, but its pity was for the unpaid officials, not for the insulted people; and its chief recommendation was, that the constitutional rights of the House of Assembly should be violated by a seizure of the revenues, in direct opposition to the Assembly's vote. The Whig Ministers acted on this Report, and proposed their coercive resolutions. What followed is of recent occurrence, and is well known. The resolutions were denounced by the Assembly; the people supported their representatives; meetings were held; strong language was used against the Government; measures for embarrassing it were adopted. Then came official reprisals; militia officers and magistrates were dismissed; and, lastly, some persons were arrested, and many more marked out for arrest. Some of those arrested were rescued by the peasantry; and, to prevent the arrest of others, the peasantry assembled to protect them against force. This led to the skirmish at St. John's, and to the disastrous affairs at St. Denis and St. Charles. The revolt was not premeditated and organised; it was an outbreak of the peasantry to defend their leaders. It may be right, here, to explain the state of the law in Lower Canada, in order to show why the peasantry were so determined, and, perhaps, imprudent, in their defence of persons marked for arrest. The judges are appointed during pleasure, not during good behaviour. They are responsible to the Crown only, and not to the Assembly; and they had recently received from the Crown that salary which they considered the Assembly had unjustly and vexatiously kept from them. The sheriffs are likewise appointed and paid by the Crown, and belong to the ascendancy faction, which is in bitter feud against the Assembly. The sheriffs have really the power of selecting what jury they please. The persons to be tried by such a tribunal were the very persons most obnoxious to both judge and sheriff, being members or friends of the Assembly. The prosecutor (that is, the Crown or the Executive) appointed and paid the judge and sheriff, and was in direct opposition, if not in open hostility, to the prisoner, who had, moreover, sought to make the judge and sheriff responsible to the Assembly, and had kept back their salaries for three years. What chance of justice had the prisoner? What hope of ever leaving his prison, but by the scaffold? The people saw the danger, and they determined that their chiefs and best friends should not thus be put away by judicial murder: they rose to defend them —collision took place between the Queen's troops and the Queen's Canadian subjects — the country was in a state of insurrection, and martial law was proclaimed. Such is the result of twenty years of Tory misgovernment, and of seven years of Whig indecision.

During this long period, there were many occasions on which the differences might have been settled, for some time, if not permanently; but the opportunities were (if seen) neglected, and the question for us now to consider is, how we can extricate ourselves from the difficulties in which we have been involved by official mismanagement, and by the national indifference to distant colonial affairs? There are evidently but three courses open to us, — coercion, conciliation, and separation. Now, I object to the present Bill, because it begins with a measure of coercion, which will, I fear, render future conciliation difficult, if not impossible. It is a Bill of pains and penalties against a whole people. And what reasons are given, to excuse or to justify the introduction of a measure which is styled, even by the Right Honourable Baronet opposite, "an act of despotism"? That the present constitution cannot be maintained "without serious detriment to the interests of the province," and that it has been virtually abrogated by a revolt. The cause of obstruction to the beneficial working of the constitution, was the Legislative Council. It never harmonised with the Assembly, nor with the people; it was condemned by men of all parties in this House. The blame, then, rests with the Government; which, having the power to improve the Legislative Council, would not exercise it, and not with the Assembly, whom you seek by this Bill to punish for having exercised a constitutional right. As to the constitution being virtually abrogated by the revolt,—it was not the revolt, but your eighth resolution of last year, which destroyed the Canadian constitution. But there has been a revolt; and therefore you say, the people must be punished by a suspension of their constitution. Now, the revolt was either partial or general. If, as you say yourselves, and as it at present appears, it was only partial, it is surely unjust to visit the offence of a few factious demagogues and a few deluded peasants, in one or two districts, on the whole Canadian population; and if the revolt or the discontent which preceded it be general, then it is evident that an arbitrary measure like this "act of despotism," will tend only to add intensity and bitterness to the feelings of hostility already unhappily existing. In either case the Bill is a gross violation (not, I think, justified by the tyrant's plea of necessity) of a solemn compact; and it will, I fear, cause our other colonies to lose that confidence—that "unsuspecting confidence"—in our justice and our good faith, which alone enables us to keep them without force and military occupation. After having suspended the present constitution, you reject, I am glad to see, the idea of governing Canada by the sword, and propose to govern it permanently on constitutional principles. But, even supposing that the new constitution is as good as the present, and as acceptable to the people generally, what guarantee have the Canadians that the new constitution will be more respected than the constitution of 1791, which you violated last year, and which you now propose to destroy? That is a really good and free constitution; it will never clash with the Colonial Office; for it is utterly impossible for two things so diametrically opposed, as good local government in a colony and the present colonial system, long to go on harmoniously together; and if the new constitution be not as free at least as that of 1791, there will soon be deeper and more extended discontent in the province than at present.

[Cries of "Hear, hear!"]

What is the avowed object of the present Bill, and of your whole policy towards Canada? Not merely to put down revolt and settle differences, but chiefly to protect the British settlers in our North American provinces generally, and in Lower Canada especially. Now, a suspension of the constitution, and a temporary military occupation,—for it seems that a large body of troops is to be sent to Canada in the spring to support this "act of despotism,"—will injure the British settlers in Lower Canada infinitely more than their opponents would ever injure them. The mere fact of the suspension of the constitution, and of the enforcing of arbitrary measures, will inevitably very much damage the trade, and diminish the amount of emigration, on which the British in Lower Canada chiefly depend for their support and their prosperity. And, as a majority of the Canadians will believe that these harsh measures have been advised by them, and passed for their exclusive advantage, you will widen the breach, and increase the hostile feeling already unhappily existing between the minority and the majority of the population. In support of the course proposed by the Noble Lord, blame has been cast, and odium heaped, on the Canadian people; a bill of indictment has been preferred against the Assembly, which has been treated as a criminal, and misrepresented to the House and to the country as a body of factious, unreasonable, faithless men.

This is a strange course for a Minister to take,—to act as a partisan,—to state only one side of a question, and, in the spirit of a partisan, to arraign and condemn, in the same speech, a constitutional representative assembly. I know not whether the House still considers that the Assembly is a body of false and factious men, and ought to be so treated; but I am certain that calm reflection will convince them that the Assembly has been misrepresented, and that the course adopted towards them was the very worst possible course for a settlement of the dispute. If such bad faith as this be committed, all the colonies of Great Britain which have constitutions will begin to tremble for their rights,—will begin to think they hold their constitutions on no better tenure than the Canadians. Appeals are made to British honour to sanction the proposed measure of coercion. I, too, would appeal to the national honour; I would entreat you to look back to history, and to remember who these Canadians are, whom we are called upon, by Ministers in this House, to punish by suspending their constitution, and whom we are vehemently urged, in the most ferocious and sanguinary terms, by the London daily press, to put down, by hangings in the town, and by burnings and butcherings in the field. Conquered from France, they became our subjects in 1763; only eleven years after, they refused the splendid offer of the American Congress, to be received on terms of equality into the great republic; they remained faithful to Great Britain throughout the war of independence. From that time till 1814, when the second American war broke out, though misgoverned, and occasionally very ill treated, they were the most loyal and attached of British colonists. Again, in that war, they refused the tempting overtures of the American republic, at a time when the province was almost drained of British troops, and might have fallen an easy prey to the Americans, had the French Canadians been hostile to us, or even remained neutral. They rose *en masse* to repel the enemies of England, and, by their courage and determination, preserved the country to Great Britain. How have they been rewarded? From that time to this their history is one series of complaints unattended to—of wrongs unredressed — of the most oppressive, capricious, and contemptuous misgovernment.

[Cries of "Hear, hear, hear!"]

So long as they complained merely, and petitioned and used constitutional means for redress of grievances, they were neglected by the Colonial Office, and unheeded by the people of this country. They were too few in number, too weak, too distant, to attract notice, and to command attention to their complaints. There was always some excuse at the Colonial Office for not attending to their petitions at the proper times, — at the only times, indeed, when prompt attention might have prevented the difficulties which had been accumulating for years, and which are now almost insurmountable. At one time, the Canadians are put off because the whole country, and especially the Ministers, including the colonial Minister, have all their time and attention occupied by the discussion of the Catholic Emancipation Bill; at another time, their business is postponed to more important domestic business, caused by the death of George IV.; at another time, England is in a state bordering on revolution at the refusal of the Reform Bill; the Canadians must wait in patience till that storm has blown over, and given Ministers time to look to our transatlantic possessions. A sudden change of ministry, in 1834, causes another period of delay, during which the colonists must endure, as patiently as they can, the evils they complain of; — the death of William IV., the consequent election, and the varied but tumultuous hopes, and fears, and feelings of the Whig Ministers, and the great pressure of electioneering business, and court business, and other business upon them, affords an excuse for a further neglect of the affairs of Canada. Let any man read the despatches from the Colonial Office, and he will see that this statement is strictly true, and not in the slightest degree exaggerated. There is always some untoward event occurring to prevent proper measures from being taken for redress of acknowledged grievances, and for conciliation at the proper moment. Such is the inevitable effect of legislating at the Colonial Office in Downing Street, for the internal affairs and government of a country on the other side of the Atlantic. In the pressure of more important affairs at home, the distant colony is forgotten, neglected, or mismanaged; its affairs are postponed till a more convenient season, which said convenient season has not, in the course of twenty years, once appeared to the Colonial Office, for settling the complicated and difficult affairs of Canada. It really seems that almost the only way by which a distant colony can command attention, is by open and armed resistance to the Government. I must here remark on the manner in which this Canadian question has been treated by the London daily press. The Canadians have been grossly calumniated, their Assembly misrepresented, and the worst passions of the people of this country have been appealed to, in order to excite their bitterest hatred against the Canadians, who are held up as fit objects to be reviled and oppressed, because they are of French origin, and of the Roman Catholic religion. I grieve that Englishmen — men of talent and of learning — having received a liberal education, and fully aware of the gross injustice they were committing, and of the miseries they would inflict on a whole people, — should have had recourse to means so utterly base and despicable.

[Cries of "Hear, hear!"]

As for their attacks on me, and others in this House, I freely forgive them. Their attacks are not very terrible; and they think, I suppose, that party spirit justifies them in slandering and misrepresenting a political opponent. But their attacks on the Canadians do not deserve to be so easily forgiven; for they are cowardly, malignant attacks on the lives and the liberties of the Canadian people. When I see myself and others pointed out to public indignation, as traitors to England, I have this consolation,—that the men who deprecated the American war were in like manner charged with treason to their country. The public voice has decided in their favour, and so, I feel thoroughly convinced, it will at no distant period decide for us. For myself, I can only say, that I have acted in this affair to the best of my judgment, with an anxious desire to aid in the settlement of Canadian differences, and, as I conscientiously believe, in the way best calculated to promote the public welfare. There is not a man in this House who would sacrifice more for the honour and prosperity of England than myself. I have as deep an interest in the country as most men in this House; yet I and others are held up as traitors to our country, because we venture to offer an opinion as to the best means of putting down the revolt, the best means of preventing its recurrence, and as to the causes which led to it. But, even in this House, my words have been misunderstood or misrepresented. The other night, the Noble Lord indulged in a sneer against me on account of a question I had put to him, as to the amount of desertion from the British troops in Canada. In all that I said—and it was very little—on the subject of desertion, I neither expressed a hope, nor even an opinion, that desertion would increase; I merely asked a question on the subject, and stated a fact which I thought it right to state to the House. The Honourable Member for the North Riding of Yorkshire, also gravely charged me with being responsible for some violent language used at a meeting at Leeds, because I happened to be invited to attend. The Honourable Member knew very well that I was not present, and it is really too absurd to blame me for language used at a meeting which I did not attend. There are only two more points on which I would say a very few words. I am glad that the Ministers have promised an amnesty. I hope that promise will be fulfilled in a liberal spirit, and that the Noble Lord will not allow the British name to be disgraced by an unnecessary exhibition of severity in sanguinary punishments for political offences. I must also say, that it is a fortunate thing for the present Ministers that they had connected with them a man like Lord Durham, with a reputation for liberal opinions, and, fortunately for him, not committed to the coercive resolutions of last year. If any man, of all their party, could settle the differences in Canada, and restore peace with good government to that unhappy country, I believe he is the man.

[Cries of "Hear, hear!"]

But, sincerely wishing him success (as I do most heartily, both for his own sake, and, above all, for the sake of Canada and of this country), I think it unwise to send out a coercion Bill like this "act of despotism" to precede him, and a large body of troops to enforce coercion, now that the revolt is at an end, as you say,—to the very province to which you appoint him as pacificator, and to which you mean shortly to give a constitutional representative government. For this, and the other reasons which I have stated, I shall feel it my duty to oppose the Bill. I have but another remark to trouble the House with, which respects the amnesty that has been promised; and I am very sorry to hear the Noble Lord opposite regret that there should be any idea of giving an amnesty for all political offences in Canada.

LORD FRANCIS EGERTON.—No!

MR. LEADER.—I am glad to find I had mistaken the Noble Lord; and I hope that there will be no objection on the part of any one to grant a general amnesty for all the political offences which have occurred in Canada. The Noble Lord, however, expressed his sorrow, that certain parties in this country were not either prosecuted by the Attorney General, or otherwise brought under the censure of the Government. I thank the Noble Lord for his suggestion; and if I, or any of my friends, have said, or done, or advised anything treasonable, by all means let the Noble Lord's suggestion be acted upon without delay: but I certainly say that I am not conscious of having either said, or done, or advised anything partaking of that character.

LORD F. EGERTON.—The observations which have fallen from the Honourable Member opposite have induced me to think that I may possibly be as much misunderstood by others as I have certainly been by the Honourable Member for Westminster. The Honourable Member seems to think, that I regret that the amnesty is to be extended to political offences. So far from deprecating the extension of the amnesty to political offences, I have said, at least, in substance, that there are peculiar reasons attaching to the whole affair which will operate to make such a proceeding acceptable to the feelings of the country. With regard to the charge that has been made against me by the Honourable Member, that I have expressed my sorrow that the Attorney General had not been instructed to prosecute, I have merely to say, that I gave expression to no such feeling. I merely said, that it was not for me to take the part of public censurer or public prosecutor, when the Government had not thought proper to pass any censure upon the inflammatory language which has been made use of.

Mr. EDWARD REYD RICE. — I should not be induced to present myself to the House with a view of offering a very few remarks, were it not that some words occur in the preamble of the Bill which undoubtedly create powers that are altogether unknown to our constitution. It is a great source of satisfaction to me, that the large and extensive powers about to be conferred by the Act upon the Governor General are not to be irresponsibly exercised, but are only to be called into action under the sanction of her Majesty's Government. The high-minded and patriotic nobleman who has accepted the difficult and delicate task of effecting a reconciliation between this country and the colony, concurs, himself, in this sentiment, and goes out with the full and clear understanding that he is so to act. For my part, during the short time I have had the honour of having a seat in this House, I have often listened with great pleasure, and always with respectful attention, to the observations of the Right Honourable Baronet the Member for Tamworth. It is, therefore, with great regret that I have heard from the Right Honourable Gentleman a threatened opposition to that part of the Bill which gives a principle of representation, and also a declaration that he should have preferred a pure, unalloyed, unmitigated character of despotism to the specious liberality of the constitutional form of government which it is the pretence of this Bill to establish. I should, certainly, have thought that the Right Honourable Gentleman was the last man in this country who would have made such an avowal. It will be, I believe, at least some consolation to know that, accompanied with this restriction, the powers sought for by the Bill will be most cheerfully conceded. I hope that the period during which it may be found necessary to exercise those powers will be of short duration, and that a state of things so injurious to the political, agricultural, and commercial interests of both countries will not long continue to exist. I know that this question is surrounded by unfortunate difficulties on the one hand; but if, on the other, certain classes of the colonists have become factiously opposed to the ruling Government, it is necessary to enforce obedience and submission to the laws. I would therefore ask of the Right Honourable Baronet and his friends not to look upon this measure as they would upon a Bill of an ordinary or party character, but as a great measure of national justice and political difficulty, arising out of extraordinary circumstances. I would ask them to give their best assistance towards the passing of the Bill. I quite agree with those Honourable Members who have said, that the sooner the arrangements proposed are carried into effect the better. I hope they will be conducted in a fair and amicable spirit, and on the understanding that what is desired is such a settlement of grievances where these shall be found really to exist, as may lead to the establishment of permanent and mutually advantageous relations for the future between these colonies and the mother country. What the Honourable Member for Westminster calls "emancipation of the colony," I call by another name; I shall call it "abandonment of the colonists." On every principle of honour, on every principle of justice and humanity, I should call it an abandonment of them and of the best interests of the colonies and of the mother country,— an abandonment of the good faith, honour, and protection which ought to be observed towards the British settlers there, who have relied upon this country for the observance of its accustomed good faith and honour. The only other course which could have been taken is obviously that which has been adopted by the Government, namely, the having recourse to strong, prompt, and decisive measures, which, though productive of temporary inconvenience, will ultimately be found the most effectual for this object. The more prompt, the more merciful these measures. It is, therefore, in the name of this misguided portion of the Canadian people, and for the sake of sparing the effusion of human blood, that I call upon the House to pass the Bill which is before us. It is impossible to deny that great and galling abuses have heretofore, from time to time, crept into the administration of public affairs in Canada; and had these grievances, in due season, been redressed, the resistance which has now been offered to British authority would never have been attempted, simply because it would have been felt to be utterly hopeless. As it is, they have furnished an ephemeral foundation on which a few wicked, crafty, and designing men have attempted to raise a formidable superstructure of resistance and independence. I deny, however, that these grievances, such as they are, have been sufficient to warrant the leaders of the insurrection in resorting to forcible measures. I trust that these grievances will be soon redressed; and that the people of Canada will find, that to proceed by petition to the Imperial Legislature, in the usual and constitutional manner, is a far surer, and more effectual, and more legitimate means of accomplishing their object than any appeal to arms.

[Loud cries of "Question, question, question!"]

Mr. PACKINGTON.— I do not intend to detain the House at any length, sensible as I am of the difficulty and disadvantage under which any party must labour who addresses it, as I now do, for the first time; and fully sensible, as I also am, of the difficulty of adding to the stock of information on this question which is already in possession of the House. It is not, therefore, without some pain that I venture to obtrude myself upon the attention of the House at all. I am called on to support a Bill which has for its object to suspend the constitution of Canada, and, at the same time, to confer excessive and enormous, though they may, and I trust will be, temporary, powers on a single individual. But I cannot accede to this proposition without expressing my anxious hope that, in the new settlement of the affairs of Canada which is now forced on us, the interests, the feelings, and the wishes of the British population in the Canadas will receive their fair and just amount of consideration. Perhaps, I may be told that mine is an idle apprehension, — that there is no ground for it, — and that, therefore, my wishes on that head will be gratified. But, remembering the language which has been introduced into the debates on this question for some time past, and considering the tone which has pervaded the discussion of this evening, I own I cannot entertain such a consolatory assurance myself. The Honourable Baronet the Under Secretary for the Colonies, in the course of that able and spirited rebuke which he administered on Wednesday evening last to the Honourable Member for Kilkenny (Mr. Hume), made it a sort of boast that the government of Canada had, for a long time past, been conducted in a spirit of conciliation; but I think we have grave reason to doubt whether there is any grounds to boast of the degree of amelioration which has resulted to the Canadian people at large from the extent to which the principle of conciliation has been carried in Canada. It surely cannot be right or just to conciliate the disaffected and contumacious portion of the people to the injury of the loyal and the well-disposed. The conciliation of Lord Gosford, I must confess, relying on all the information which has reached me, has been carried to a dangerous and unfortunate extent. I cannot approve of one of the very first acts of the Earl of Gosford's government, which was, to sign warrants for the payment of 19,000*l.* that had been voted by the House of Assembly, without the consent of the Legislative Council, for the salary of M. Papineau, and for other similar purposes, at the very time when that House of Assembly was refusing the supplies of the civil government. Another of his acts of conciliation was his appointment of Dugard to the judicial bench — that individual having been the mover of the ninety-two resolutions. There never was an appointment more to be regretted, — none that ever created more indignation among one class of the Canadian people, or more ridicule among another. In the despatch No. 24. this remarkable passage is to be found: — "A few examples appear to be necessary, and will, I believe, have a very salutary effect, especially as it has been part of the policy of the ill-disposed to create an impression that the Government is unwilling or unable to act, and that it may be set at defiance with impunity." I am afraid that this "impression" was not limited to "ill-disposed" or disaffected persons, but that it prevailed, also, among the more loyal portion of the Canadian people; and that it actually prevailed to this fatal extent, — that the best and surest road to honour and preferment in the colony, was to embark in a course of disaffection to British authority. To what, I would ask, could such an impression be traced, on this very statement of the Earl of Gosford, but to the mistaken policy of that Noble Lord; and when once such an impression had been created, who can wonder that open rebellion was the result? I hope that such will not be the course hereafter adopted. I cannot help expressing my strong and ardent hope, that no mistaken notions of humanity will withhold, from those who have been guilty of these disorders in Canada, the same punishment which would be applied in the case of such outrages against British authority and British subjects in any other portion of our empire. And this brings me to ask, what is the number of the British inhabitants whose lives and property have been put in jeopardy by these disorders? I quite agree with the Learned Member for Liskeard (Mr. C. Buller), that the case and the interests of the British residents in Canada have scarcely been alluded to in this debate. Looking to the Returns that have lately been made of the population, — to the rapid strides which, in the two provinces, it has made, compared with the numbers they formerly contained, and especially to the increase in the Upper province, where the feeling is eminently favourable to the British connection, as was so remarkably evinced in their repulse of the rebellious in the affair which the Honourable Member for Kilkenny has designated as the "outbreak" in Toronto, — I find these results: — that there are 350,000 in Upper Canada almost entirely British; and in Lower Canada, out of 600,000, about 175,000, — or nearly one-third,—are British; from which it appears that more than half the population of the two provinces are of that class which has never been alluded to in the progress of the present debate; though I believe that a more enlightened, a more respectable, or a more loyal population never existed in any colony, nor have any colonists ever struggled harder to prolong their connection with the mother country. With regard to the grievances of the French Canadians, I confess that I cannot admit the fact, that they are now suffering under any serious or positive "grievances;" and I perfectly agree with the Honourable Member for the Tower Hamlets, that "whatever real grievances the French Canadians had, they either had been removed, or were in course of removal, at the time of the outbreak." And yet, Sir, notwithstanding that fact, there is in this House, — I will not call it a party, but a section,— small in number, and, perhaps, still smaller than they appear to be, if regard be paid to the moral weight they possess in the country, who come forward in this House as the open advocates of rebellion.

[Cries of "Hear, hear!"]

Yes, Sir, they have done this; and how have they sought to justify their course? Why, they have thought it necessary to talk loudly of the grievances and wrongs of the Canadian people; and in the "head and front" of their case they have put those very resolutions which were passed last Session by this House. Now, if any one thing could prove more conclusively than another that the French Canadians have no solid grievances to complain of, it is, that their advocates including the learned gentleman (Mr. Roebuck) who has been heard at the bar, have been forced to put those resolutions in the van of their grievances. I contend that the resolutions were the consequence, and not the cause, of the rebellion. They were rendered necessary by the disaffection of the Lower province; they did not give rise to, but were the effect of, that disaffection. I will not say that I altogether approved of them. I believe, in common with the Noble Lord the Member for South Lancashire (Lord F. Egerton), that they were too long delayed to have their due effect. Such is my own conscientious opinion. I thought them inadequate; and it was, and still is, my conviction, that they ought to have been followed by prompt and vigorous legislation. But I contend that in no point of view can they be seriously considered as a cause of this rebellion. There is no more pretence or reason for so considering them, than there would be to say that the guns which opened their fire at St. Denis or St. Charles were a cause of that rebellion. But this I will maintain, that the British Canadians, although little in the habit of coming here to complain, have had grievances, and substantial grievances, too, to protest against. In the first place, I might instance the mode in which the electorial districts have been determined. This arrangement and the arbitrary principle which, under the measure of 1791, regulated the division of the provinces into counties, gave great advantages to the French settlements adjacent to the shores of the St. Lawrence, over the English colonists in Upper Canada. They deprived the latter of their fair share in the representation in the House of Assembly. The boundaries of several seigneuries were enlarged, still further increasing this disproportion and inequality. Another grievance under which the English colonists suffer is, their being subjected to the French law of property,—a law so different in its provisions from ours as to operate with great hardship on our fellow-subjects and countrymen. They have, also, been very greatly inconvenienced by the poll tax levied on the head of every British native in every British house. When the proposed new arrangements shall be made, I hope these hardships will be taken into consideration with a view to their alleviation or removal. But there is still another grievance, of a very different nature from those I have mentioned, — wide-spreading in its operation, — and which does not appear to me to be at all beyond the power of the existing Government to remove ;—I mean the refusal of Ministers to renew the allowance which has been hitherto granted for the support of the Bishop of Quebec.

[Loud cries of " Hear, hear ! "]

I am now addressing you upon grounds which I feel that it is great presumption in me to touch on. This is a matter which I say that the Government of the day are competent to deal with, and I do beg leave most seriously and earnestly to call the attention of the Government to the subject. I hope, almost, that I am wrong, in speaking of the refusal of the Government to renew this allowance; I hope that the difficulty and tardiness which the Government have manifested in this particular, I should rather allude to as hesitation only; still I cannot help pressing upon the House, as the fact, that there has been virtually a refusal or hesitation, — no matter which, — to renew the allowance, that for half a century past has been granted for the support of this most important bishoprick. Shortly after the settlement made by the Act of 1791 this bishopric was erected ; and the bishop has received ever since a very handsome allowance. In consequence of the failing powers of the late bishop, who died last summer, he was obliged to appoint the suffragan Bishop of Montreal to perform the duties of his own bishoprick of Quebec. Of course, with the death of the Bishop of Quebec the allowance which was made by that prelate has ceased.

I hope the House will excuse me, if I claim its attention for a few moments to the postscript of a letter lately received from Canada, which relates to this important portion of this subject. I hope the Noble Lord opposite will give me his attention, for however humble an advocate I am in such a cause, I feel that I cannot direct the attention of that Noble Lord, or of the Government with which he is connected, to a matter of more vital importance. The Bishop of Montreal, in this communication, which was addressed to the secretary of the Society for the Propagation of the Gospel in Foreign Parts, observes, that if the allowance which was enjoyed at that time by the Bishop of Quebec was to be extinguished with that prelate's own life, (and his health was then daily declining), it would become more necessary than ever for the British Government to provide the requisite means for meeting the exigencies of the increased pastoral duties which must, in the event alluded to, devolve upon the suffragan, whose diocese is already one of the largest in the whole scheme of Protestant episcopacy. The Bishop of Montreal, in another letter to the secretary, stated that, as matters then actually stood, he must continue to administer to the utmost of his powers and his means the duties of the two bishopricks; that he had written to this effect to Lord Glenelg, earnestly impressing upon his Lordship the importance of renewing, with a successor to the see of Quebec, the allowances formerly granted to that diocese, and suggesting the disadvantageous contrast held out by the present relative condition of the Roman Catholic and of the Protestant Episcopal Establishment in Canada; and, finally,— the mischievous consequences which must ensue to the large community attached to the latter in the two provinces, from the utter inadequacy of a single bishop, with fees and emoluments already exhausted in the administration of the concerns of two dioceses instead of one, duly to superintend and discharge the multiplied and anxious duties devolved upon him. I do think it of the highest moment to claim the attention of the Government to this letter from the Bishop of Montreal; and I do state, without hesitation, in the face of this House, that if ever there was a Protestant Episcopal Church standing eminently in need of the superintendence and services of a bishop, it is the Protestant Church of Canada. What is the numerical amount of the Church of England population in Canada? The number of persons belonging to the Church of England in Upper Canada is not less than one third of the whole population; in Lower Canada it comprises one half of the British residents. This estimate will give an aggregate of 200,000 British Protestant subjects scattered over the two dioceses in the two Canadas.

I implore the House to consider — how can it be possible for any minister to undertake the pastoral charge of so vast a flock without adequate remuneration? I cannot conceive how any one individual can be required to undertake the care, and discharge the sacred duties connected with it, of so enormous a district. Since the death of Dr. Monckton, I know not how the funds required for the expenses attaching to the constant superintendence and visitations, which it was incumbent upon him to undertake, have been furnished by his successor, not in the bishoprick, but in its labours and expenses. If by himself, they have been supplied by an individual who surely ought not to be subjected to the additional injustice of that position, as to his emoluments, which is to be inferred from the letter which I have read from. With regard to the general religious instruction of the Protestant people of Canada, — I am by no means disposed, at this late hour of the night, to enter into so very wide a field. I know, however, the importance of that question, and of all the various considerations which are mixed up with it; and all that I would pray the Government, now that the constitution of the colony is about to be remodelled, is, that they would make such arrangements as shall insure to the Protestant population of the two provinces a constant and sufficient supply of religious instruction. In what I am now asking, I am not pressing the Government to step beyond the sanction of precedent, or the limits of their duty. I will bring to their recollection the proceeding of a former Parliament. In the year 1791, a message came down from the Crown, recommending the establishment of a bishoprick in Canada, and the House of Assembly undertook to provide one.

Let me also be allowed to remind the House of the endowments of the Roman Catholic Church in the colony. I have no wish to meddle with those endowments; on the contrary, I think that the Legislature manifested its wisdom by the sanction it gave to those endowments. But I do entreat that the Government of the mother country should attend more to the advancement of the Protestant Establishment, and religious education to be administered under it, as the predecessors of that Government have done before it. I am most anxious that Canada, in future years, may be enabled to look back with pride and gratitude to this period, as the time at which the Government of England sowed the seeds of that religious education, without which, in the moral culture of a people, no good fruits can ever be raised.

[Loud cries of "Hear, hear!"]

I am most grateful for the indulgence with which the House has listened to me, and I have but few additional observations to trouble it with. I would beg, in the next place, however, to refer the House to that prodigious increase of emigration to Canada, which is now going on, as presenting a most important point for their consideration. By whom is the colonial population being annually increased? Not, as in some other colonies, by the refuse and outcasts of society in the mother country, but a large proportion of these emigrants are officers of the British army and navy, — younger branches of the British gentry, — British soldiers, — and, above all, British merchants, artisans, and labourers. Such is the class of colonists who are annually crossing the Atlantic from this country to the shores of Canada. And be it remembered, that these parties are emigrating to that colony under the full faith of British protection; that they are to dwell there if not, indeed, under the letter, yet under the spirit, of the British constitution, one essential element of which is, a Protestant Church Establishment. A great proportion of these emigrants are members of the Church of England. They have parted from their village churches, they have quitted their accustomed pastors. They expect, and surely not unnaturally, that the mother country will continue to perform that part of its duties towards them, who, though emigrants, are still British subjects, which consists in providing means for the religious instruction of their children.

I once more beg to express my heartfelt thanks for the indulgence which the House has shown me. I fear that I have been guilty of great presumption in bringing under their notice subjects of such great importance; but, still, subjects which I trust the House will feel to be intimately connected with the new arrangement now about to be made in romodelling the institutions of Canada. However imperfectly I have done this, I think I have done my duty. I will only add this, that I shall give my humble but my cordial support to the very tardy measure of justice and of vigour to which her Majesty's Government have at last been driven. I cannot sit down without expressing my firm belief, that it is the feeble and temporising conduct of the Government which has produced the present crisis. I am as firmly persuaded that had Lord Aberdeen remained at the Colonial Office, —

[Cheers and laughter.]

Gentlemen may laugh on the other side, but I would at least remind them, that this sentiment comes from their own benches, — for it was uttered by the Honourable Member for Kilkenny; and I therefore beg to repeat my opinion, that had Lord Aberdeen remained at the Colonial Office, or had the vigorous mind of the Noble Lord the Member for North Lancashire (Lord Stanley) still presided there, to direct our colonial affairs, this unhappy rebellion would never have broken out. I shall support this measure of her Majesty's Government, not because I have any confidence in their administration generally, or can approve of their conduct in this particular case, but because I feel it my bounden duty, on an occasion of this description, to support the Crown against its subjects in rebellion. I cannot conclude without expressing my solemn conviction, that, for the wide spread of disaffection in Canada, — for the alteration and suspension of the constitution of that colony which we are now about to effect, — for the measures of severity that we have, at last, been compelled to have recourse to, — above all, for this unfortunate rebellion and civil warfare which has broken out, — and for the British blood shed in this melancholy contest, — I hold her Majesty's Ministers to be solely and deeply responsible.

On the motion of SIR. W. MOLESWORTH, the further debate was then adjourned.

The House adjourned at twelve o'clock.

HOUSE OF LORDS, MARTIS, 23° DIE JANUARII, 1838.

APPEALS.

Lorton *v.* Earl of Kingston, *et è contra.* — Considered, and the order directing a new trial reversed, leaving it to the Court below to hear the cause upon the equity reserved; and the Earl of Kingston's appeal against the original decree ordered to be dismissed, with costs.

De Burgh *v.* Clarke. — Counsel called in; and no counsel appearing for the appellant, the counsel for the respondent was ordered to withdraw; and the appeal dismissed, with costs.

Stewart *v.* Gibson, *et è contra.* — In part heard, and adjourned to Thursday next.

RANDOLPH'S ESTATE BILL.

Read a second time, and committed for Monday, the 5th of February next.

DUCHESS OF KENT'S ANNUITY BILL.

Order of the Day for the third reading, and the Lords summoned, read; Bill read a third time, and passed, with the amendment, and sent to the Commons by two of the Judges.

BISHOPRICK OF SODOR AND MAN.

The EARL of RIPON. — I beg leave to present a Bill for continuing the bishoprick of Sodor and Man. When the Bill is printed, Noble Lords will have an opportunity of considering it; and in the mean time, I will arrange with the Noble Viscount opposite (Viscount Melbourne) and the Ecclesiastical Commmissioners so as to fix a day for the second reading.

The Bill was then read a first time, and ordered to be printed.

SLAVERY.

LORD DENMAN presented a petition for the emancipation of negro apprentices, — from inhabitants of Nottingham. — Read, and ordered to be received as the petition of the chairman, who only has signed it.

LORD BROUGHAM. — I beg leave to present a petition agreed to at a public meeting held in the Town Hall, Birmingham, on the 27th of December last. It is signed by the high bailiff on behalf of the meeting, and therefore, in point of form, can only be received as his petition. The meeting was, however, I understand, attended by upwards of 5000 persons. The petitioners complain of the non-performance, on the part of the slave proprietors, of their part of the compact which has been entered into with respect to the condition of the negro apprentices. They advert to the great neglect which has been manifested by those who have received from the country 18,500,000*l.*, and who are in the course of receiving the residue of the large sum which has been voted to them as compensation for having lost nothing; and they pray your Lordships to take measures to compel them to perform their part of the compact, and to complete the arrangement which they have made with the mother country. When the petitioners tell your Lordships that this large sum of money has been granted to protect the West India interest against a risk from which they have incurred no detriment, I believe that they speak what is perfectly consistent with the facts of the case. The value of West India property has increased, the supply from the mother country to the colonies has increased, and there has been a considerable addition in the number of years' purchase at which land is saleable. I wish to take this opportunity, in stating my concurrence in the prayer of this petition, of correcting a misunderstanding that prevails respecting a statement which I made previous to the recess. It has been put forth as if I stated that great exaggeration or misrepresentation has been indulged in in the remarks of those persons who have visited the West Indies from purely philanthropic motives, and who have given to the people of this country, at public meetings and elsewhere, the result of their observations in the course of their humane and praiseworthy labours. I never stated anything of the kind, and I never meant to say any such thing; for, in my opinion, they have been guilty of no misrepresentation or exaggeration whatever in respect of the *laches* and misconduct of the Colonial Legislatures; but what I did say was this, that it was an exaggeration to say that the act of 1833, instead of bettering, had rendered worse, the condition of the negro slaves; and I gave, as an instance, indeed the only one I particularised, that there was an increase of supplies sent out to the West Indies in three years after the passing of the Act, to the amount of upwards of 600,000*l.*, which were all purchased by the earnings of the negroes. This, I conceive, proves that the comforts of the negroes must have increased. I am aware that this has been, in part, owing to the money which has been granted to the planters, as it enables them to lay out capital on estates which were previously short of supplies. The experiment, as far it goes, proves that the negroes can provide for their wants by voluntary labour, and that they are capable of attaining, by their own exertions, a high degree of prosperity. I have now to present a petition to the same effect from inhabitants of Great and Little Broughton.

The petitions were then read, and ordered to lie on the Table.

DEBTOR AND CREDITOR.

LORD BROUGHAM.—I beg leave to present a petition from a person of the name of Richard Bottrell, a merchant residing in Bishopsgate Church-yard, in the city of London, pointing out various defects in the law of debtor and creditor, and complaining, amongst other matters, of the want of an enactment for compelling debtors who go and reside abroad to pay their creditors in this country.

Read, and referred to the Select Committee on the Imprisonment for Debt Bill.

ANTIGUA.

LORD BROUGHAM.—I beg to ask the Noble Baron when the returns respecting Antigua will be ready?

LORD GLENELG.—In answer to the question of the Noble Lord, I beg to say that the returns relative to Antigua are in the course of printing, and will be laid on the Table in a few days.

RETURNS, &c.

On the motion of LORD ELLENBOROUGH, ordered,—

Account showing the several charges incurred by the United Kingdom on account of each of the North American provinces, in each year, from 1827 to 1837, both inclusive: Also,

Account showing the value of all articles imported into the United Kingdom from each of the North American provinces, in each year, from 1827 to 1836, both inclusive: Also,

Account showing the value of all articles exported from the United Kingdom to each of the North American provinces, in each year, from 1827 to 1836, both inclusive: Also,

Account showing the value of all articles imported into each of the North American provinces, from other British colonies and dominions beyond sea, in each year, from 1832 to 1836, both inclusive: Also,

Account showing the value of all articles exported from each of the North American provinces to other British colonies and dominions beyond sea, in each year, from 1832 to 1836, both inclusive: Also,

Account showing the value of all exports from, and imports into, each of the North American provinces, in each year, from 1832 to 1836, both inclusive, to and from all parts of the world, exclusive of the United Kingdom, and of the British colonies and dominions beyond sea: Also,

Account showing the amount of duty levied in the ports of the United Kingdom, and of the British colonies and dominions beyond sea, respectively, upon each article imported from the North American provinces, and upon similar articles imported from foreign countries: Also,

Account showing the amount of tonnage, and the number of ships belonging to each of the North American Provinces, and the number of men employed in navigating the same, in each of the years above mentioned: Also,

Account for the same period of the amount of tonnage, and of the number of ships belonging to the United Kingdom, and to the British colonies and dominions beyond sea, respectively, employed in the trade with the North American provinces, together with an account of the number of men engaged in navigating such ships: Also,

Account of the total revenue derived from taxes within each of the North American provinces, in each of the years above mentioned; specifying the taxes, and whether the same were imposed by Acts of the Provincial or of the Imperial Parliament: Also,

Account showing the net revenue arising within the province of Lower Canada, in each of the years above mentioned, and the application thereof; distinguishing the revenue disposable by the Crown, from that disposable by the Provincial Parliament, and specifying the application of the same respectively: Also,

Statement of the expenses of the civil government and administration of justice in Lower Canada, for four years, from 1832 to 1835, inclusive, and also of the sums which would have been at the disposal of the Government if the revenues of the 14 Geo. III. c. 88. had not been given up: Also,

Return of the population of Lower Canada: Also,

Return of the population of the six united counties of St. Hyacinthe, Richelieu, Rouville, Verchères, Chambly, and L'Acadie, of the city and county of Montreal, and of the counties of Two Mountains and Terrebonne: And also,

Copies of the titles of all Acts of the Legislature of Lower Canada, which have expired in the years 1835, 1836, and 1837, and of all such Acts of the same Legislature as will expire in the years 1838 and 1839.

Adjourned.

HOUSE OF COMMONS.

PRIVATE BUSINESS.

Tenby Improvement and Harbour.—Manchester, Bolton, and Bury Canal, &c.—Leominster Paving and Improving Act Amendment.—Petitions for Bills severally referred to the Select Committee on Petitions for Private Bills.

Brecon Market.—Report (15th December) from Select Committee on Standing Orders, read; Bill ordered to be brought in by COLONEL WOOD and Mr. MORGAN.

Ashby-de-la-Zouch Small Debts Bill,—"For the more easy and speedy recovery of small debts within the town of Ashby-de-la-Zouch, and other places in the counties of Leicester, Derby, Warwick, and Stafford."—Presented by Mr. DUGDALE, and read a first time; to be read a second time.

PUBLIC BUSINESS.

MISCELLANEOUS PETITIONS.

The following petitions were severally presented; namely:—

Fishguard Harbour Act, — By Mr. HUTTON,—of the President of the Chamber of Commerce of Dublin, for repeal of clause imposing a passing toll.—To lie on the Table.

Rating of Tenements Bill,—By Mr. BRAMSTON, in favour of,—from Orsett Union, Romford Union, and Chelmsford Union; referred to the Select Committee on the Poor Law Amendment Act.

Lower Canada,—By Mr. CHALMERS and SIR WILLIAM SOMERVILLE, against war, and for redress of grievances of the people of Lower Canada,—from Montrose; and Drogheda.

Education,—By LORD FITZALAN,—of the corporation of Arundel, for the establishment of a national system of.

Ballot,—By Mr. KINNAIRD and another HONOURABLE MEMBER, in favour,—from Beverley; Rattray; and Stanley and Airntully.

Private Bills,—By CAPTAIN GORDON,—of the chairman of a meeting of landholders, commissioners of supply, and justices of the peace, of Aberdeen, for alteration of practice relative to the taking of evidence upon private Bills. The petitioners suggest that the evidence in all cases should be taken on the spot, and also that it should be taken on oath, and be held sufficient for the purposes of both Houses of Parliament. I do not know whether there is any committee to whom this petition might be referred; but the subject is one which appears to me to be of the highest importance. If, therefore, it cannot be referred to the Standing Orders Committee, I shall think it my duty to bring the matter before the House on some future day.

RETURNS, &c.

East India Company. — On the motion of Mr. HASTIE, returns were ordered,—

In detail, showing the amount realised by the sale of the East India Company's assets disposed of since the last return, and showing the application of the funds arising therefrom: Also, a Return of the estimated value of the assets yet unsold, distinguishing those sold and not yet due, and those sold and over due, which, under the provisions of the Act 3 and 4 Will. IV. c. 85., are to be sold by the said company for the purposes of the Act.

In detail, showing the amount realised from the sale of the commercial assets of the Honourable East India Company in India: Also, of the estimated value of the remainder of the assets of the said company in India, which, under the provisions of the Act 3 and 4 Will. IV. c. 85., are to be sold by the said company for the purposes of the said Act.

CONACRE TENANTS.

Mr. LUCAS.—I rise to move for leave to bring in a Bill relative to conacre tenants in Ireland. The object of the Bill is to regulate a species of tenantry which is very common in Ireland, but which is wholly unknown in England, and I believe also in Scotland. The existing law gives rise to very great confusion and inconvenience, and the object of this Bill is to sanction and make law that which is the general practice amongst the farmers in Ireland, and to prevent the contrary practice being followed. I am ready, now, to enter into the details of the measure, if the House wish me to do so; but I think the most convenient course will be to bring in the Bill, let it be printed, and the discussion taken at a subsequent period, to suit the convenience of the House. I beg to move for leave to bring in a Bill "for the relief of conacre tenants in Ireland."

SIR GEORGE SINCLAIR.—I beg leave to second the motion.

Bill ordered to be brought in by Mr. LUCAS and Mr. J. YOUNG.

COMMERCIAL DAILY LIST.

Mr. HUME.—I have a petition to present from one hundred merchants of the city of London with reference to the subject to which my notice refers. As, however, the Right Honourable Gentleman the Chancellor of the Exchequer has brought down papers which are considered to justify the interpretation put by the Treasury on the law, I shall withdraw my motion, in order to see whether or not the parties who have put the petition into my hand are in error. If the law be discovered to have an injurious tendency, I shall take the liberty of again calling the attention of the House to this subject.

The CHANCELLOR of the EXCHEQUER.—I should have had no difficulty in meeting the case which the Honourable Member for Kilkenny intended to submit, by a reference to the papers which I have put into the Honourable Gentleman's hands. The Government acted in accordance with the law as it now stands, and with the advice of its legal advisers.

MESSAGE FROM THE LORDS,

That they have agreed to the Duchess of Kent's Annuity Bill.

PRIVATE BILLS.

Mr. P. THOMSON.—I rise, Sir, in conformity with the notice which I have given, to move certain resolutions which have for their object to give effect to the decision of the committee which sat on private business last year. Their report was, that a breviate of every private Bill should be laid on the Table of the House in a printed form, and that a certain time should be allowed between the printing and the second reading of the Bill. I shall move first, then, "That no private Bill be read a second time until six days after a breviate thereof shall have been laid on the table of the House, and have been printed." I shall then proceed to state, in the resolution, what such breviate should contain; namely, "a statement of the object of the Bill, a summary of the proposed enactments, and any variation from the general law which shall be effected by the Bill." The committee must have come to the recommendations which I have stated, by reason of the extreme inconvenience that arises from private Bills being smuggled through the second reading without the House being generally or at all informed of the contents of such Bills. It is true that the House, after any private Bill being reported of a character to attract discussion, may become acquainted with its contents; but, at the same time, I hear constantly this argument raised, after a Bill containing many objectionable clauses has passed through committee, but is opposed on bringing up the report, "If you object to the principle of this Bill, why did you not stop it at the second reading? And are you not now inflicting a case of great hardship on parties by rejecting this Bill, after you have compelled them to go through the expense and inconvenience of a committee?" There is, besides, a particular class of Bills of very great importance, with respect to the principle of which it is material that the House should be perfectly well acquainted before the second reading, because it frequently happens that these private Bills are of a character to affect the public interest, and yet do not meet with any opposition from private interests in committee. The consequence is, that, after such a private Bill comes out of committee, or is smuggled through, or (not to use a harsh phrase) had passed, without having attention called to it on the second reading; it passes also on the report without any observation, and an act of great public injustice is thus inflicted.

I have had occasion, with reference to more than one Bill, to point out the extreme inconvenience to which the present practice gives rise; and I think I cannot quote a stronger instance than that which the Fishguard Harbour Bill, of last Session, presented, either as the circumstances appeared from my statement, or as they came within the knowledge of the parties interested in that measure. It has been suggested by many Honourable Gentlemen who take an interest in this subject, that we ought to do something more than is proposed with regard to furnishing a breviate on the second reading, and that after the Bill shall have passed through committee, and on the motion that the report shall be received, another breviate should be made out, in order that the House might know whether any important changes had been introduced in committee. To this proposition I am very much inclined to assent, because a practice has arisen of introducing private Bills in the most careless possible form, the parties trusting to the alterations that may be afterwards introduced in the committee; and, under these circumstances, a breviate before the second reading would not answer the whole purpose in view. But I do not think it advisable, at this stage of the proceeding, to pass a resolution to that effect. My third resolution is for the purpose of asking the Speaker "to give such directions as shall seem to him best for carrying into effect the above resolutions." I mean to request the Speaker, if he will be good enough to do so, to make such arrangements as to ensure that a breviate shall not be, as now it is, a mere abstract of the marginal notes of the private Bill, containing little or no information; but that it shall really contain an account of the object for which it professes to provide, and, above all, a statement showing how the general law of the country is proposed to be altered by a private Bill at the suit of individuals. The form, therefore, of the breviate will require to be well considered. I am also well aware that great care and attention will be called for in the preparation of the Bills, and that the most intelligent persons should be employed for that purpose; but these are the details of arrangement in a plan for the execution of which the House reposes perfect confidence in the Speaker, being satisfied that, as he consents to give his attention to the subject, he will do all he can to ensure that the object which the House has in view be carried out by efficient persons to be employed on this business. It is impossible that Gentlemen who have attended to the private business of the House can have omitted to notice the great care and attention which the Right Honourable Gentleman in the chair has invariably paid to this part of our proceedings, or to say how very much all the Members interested in this portion of business stand indebted to him for that care and attention. When I say "all the Members," I do not mean that Members of this House are the only parties who owe a debt of gratitude to the Right Honourable Gentleman for the manner in which he discharges his duties in this respect; but I make the remark simply because, though his labours tend to the advantage of others, this House itself is especially indebted to him, because nothing is more important to the dignity and honour of the House than that that very important part of its proceedings, the private business, should be conducted in a proper and orderly manner. I think, therefore, that the best way to attain the object which we have in view is to authorise the Speaker to make such arrangements as he may think necessary. I cannot anticipate any opposition to my motion; I will, therefore, content myself with moving the resolutions, namely, —

"That no private Bill be read a second time until six days after a breviate thereof shall have been laid on the table of this House, and have been printed.

"That such breviate shall contain a statement of the object of the Bill, a summary of the proposed enactments, and shall state any variation from the general law which will be effected by this Bill.

"That Mr. Speaker be authorised to give such directions as shall seem to him best for carrying into effect the above resolutions."

Upon the question being put, —

Mr. HUME said: — I want to know who is to draw the Bill, and who to examine it; because I fear that the present proposition will only extend the machinery which already clogs the conduct of the private business of the House, without making it at all more clear. I am quite satisfied that the evils which exist in the present system can be removed, only, by having two, three, or five persons, who shall be held responsible for the preparation of private Bills; and that such measures ought not, as now, to be submitted to the superintendence of 120 Members, who attend at different times, and are therefore obliged to depend on some clerk or attorney for information. Then, Sir, are you to examine all Bills, to see whether the breviate is a faithful one or not; or who else is to perform that duty? For my part, I think the second breviate of far more importance than the first, as it frequently happens that the Bills are entirely altered in committee. I think, if committees were limited to a small number of responsible persons, their proceedings would be much more creditable to the House than those which now take place.

Mr. AGLIONBY.—On this subject I would call the attention of the House and the Government to the evidence taken before a committee (which sat two Sessions ago, and of which I was chairman), not merely as to public or private Bills, but as to the wording of Acts of Parliament. I then understood the Noble Lord the Secretary of State to say, that though he did not wish, at that time, to originate a measure which would give a commission or a single officer the power of preparing Acts of Parliament, yet he would give the matter his best consideration. I am, therefore, somewhat disappointed that the Noble Lord has not brought forward a measure on this subject. I only wish to direct the attention of the House to this subject: it is not my intention to oppose the resolutions, which I consider valuable so far as they go.

SIR R. PEEL.—I do not rise to make the slightest objection to the trial of the experiment which is proposed. I presume that it is intended that a particular officer, whose especial duty it shall be to prepare a breviate, shall be appointed, and that it shall not be left to the parties who are the authors of the private Bill to do so. I presume, also, that the officer selected will be a man of experience and high character. But at the same time that I feel perfectly confident that the instructions that that officer will receive will be such as, from the experience and knowledge of the Speaker, may be expected, and also that the officer will be, himself, unexceptionable in point of character; I cannot conceal that the task which is imposed on the Speaker is a very difficult one. I am afraid, however, that by requiring a short and clear breviate, which will afford an insight into the provisions of the Bill we shall relax that vigilance which the House ought always to exercise; and that the mischief which now frequently results from particular phrases being introduced, the force of which is not discovered until the measure comes into operation, however cognisant of their effect the promoters of these Bills may be, will not be effectually avoided.

LORD G. SOMERSET. — I fully concur with my Right Honourable Friend in the general observations he has just made. I have no objection to the breviate, but I suggest that, as the mischievous interpolations which so often creep into private Bills are generally introduced in committee, the breviate should be made, not on the second reading of the Bill, but that it should be prepared before taking the Report into consideration.

Mr. SHAW LEFEVRE. — I have known clauses introduced into private Bills, in committee, which have had the effect of entirely repealing protective clauses contained in a former Bill, which it was the object of the pending Bill to amend, and the full bearing of which the House has not noticed. I am quite of opinion that we ought to have a breviate, at the second reading. Every one acquainted with the manner of conducting the private business in this House must be aware that exaggerated statements are often put into Members' hands by the promoters of private Bills. But a breviate, drawn up by an experienced officer, will at once inform the House of the nature and character of the proposed measure. I feel that we cast great responsibility on the officer who is to prepare this document, and who ought to be a lawyer of great experience and skill; but when I know that the matter is placed in the hands of the Speaker, I feel perfectly satisfied.

Mr. POULETT THOMSON.—I agree with the Noble Lord opposite that it might be very advisable that a second breviate should be prepared after the Bill has gone through committee. But, I think, so much depends on the breviate in the first instance, that we had now better confine ourselves to requiring a breviate on the second reading. When the necessary arrangements have been made for the plan which I now submit, the suggestion of the Noble Lord for an additional breviate may be adopted. With respect to the responsibility which will devolve upon the Right Honourable Gentleman in the chair, the acceptance of the duty by the Right Honourable Gentleman will be an adequate guarantee for its sufficient performance.

The Resolutions were then agreed to.

Mr. HUME.—Are we to have a second breviate?

Mr. POULETT THOMSON.—I stated that I did not move the adoption of the second breviate now; but I shall be prepared to do so, as soon as satisfactory arrangements have been made for the plan I have submitted.

The SPEAKER.—As the House has now imposed on me a heavy and responsible task, I think it right they should clearly understand the view I take of the question. If a breviate, such as that indicated in the resolutions, is to be prepared, pointing out any change which private Bills might effect in the general law of the country, it is obvious that no such instrument can be satisfactorily prepared but by a responsible person, and one well versed in the law. It appears to me that in carrying into effect this experiment, which is in entire accordance with my own opinion, there will be great difficulty in getting a person qualified for the duty, because a qualified person will be loath to undertake it for one Session, depending on the pleasure of the House whether he is or is not to be continued. All I can say is, that having stated the obstacle which appears to me to lie in the way of giving effect to these resolutions, I shall contribute whatever services may be in my power to further the wishes of the House in this respect.

RETURNS, &c.

Valuation of Land, &c. (Ireland).—On the motion of SIR ROBERT FERGUSON, a return ordered,—

Of all sums of money advanced for the uniform valuation of lands and tenements in Ireland, under Act 7 Geo. IV. c. 62. and subsequent Acts.

Copy of the estimate of the sum likely to be required for the same purpose, for the quarter ending the 31st of March, 1838.

South Australia.—Second Annual Report of the Colonisation Commission of South Australia; presented (by Act).—To lie on the Table.

LOWER CANADA GOVERNMENT BILL.

On the motion of LORD JOHN RUSSELL, order read for resuming adjourned debate on amendment proposed to be made to the question (22d January), "That the Bill be committed;" and which amendment was to leave out from the word "that" to the end of the question, in order to add the words "this Bill be taken into consideration this day six months" instead thereof. Question again proposed, that the words proposed to be left out stand part of the question.

SIR WILLIAM MOLESWORTH.—Though I shall feel it my duty to vote against the further progress of the Bill which is now under the consideration of the House, because it will suspend the constitution of a free people, yet I offer no objection to what I understand to be the most important feature of the Ministerial measure, namely, that there shall be sent to Canada a person in whom confidence can be placed; whose duty it will be to administer the affairs of the province, and to reduce the people to contented allegiance. It is both a dangerous and delicate thing to express a decided opinion as to the fitness of any individual for so difficult a task as that of Governor of this insurgent province. I do not, however, hesitate to state my humble, though decided, approbation of the choice of her Majesty's Ministers. If there be a nobleman in this country, who, for energy, decision of character, manly and liberal sentiments, is better fitted than another for so arduous a task, that nobleman is, I believe, the Earl of Durham. Reluctant as I am to pin my faith upon any individual, still I feel confident that Lord Durham, if left to the unfettered exercise of his judgment, will accomplish the object of his mission. Understanding, as I do, that the purposes for which he is deputed to Canada are—to restore peace and tranquillity, to recal the revolted subjects of the empire to their allegiance, to enforce in every quarter the majesty of the laws, to sustain the honour and dignity of this country,—best sustained (I will assert) by acts of grace and mercy;—and, lastly, to devise, along with the delegates of the people, what form of free constitution will be best suited to the province, and in what respect the existing institutions of the country ought to be changed:—I say, these, undoubtedly, are most onerous duties, requiring for their performance the soundest judgment and discretion. Every requisite power should in justice be given to the Governor who takes upon himself so weighty a responsibility. At the same time, for the exercise of his delegated authority, the Governor should be most strictly responsible; he alone should be answerable for every act that is done or omitted; all responsibility should be concentrated upon his single head; and he should be made to feel, that though he alone will merit all the praise of success, he must equally bear all the odium, blame, and deep discredit of failure; that, if successful, he will render the most valuable and enduring services to his country, and acquire the greatest political renown; but that failure will make the state of affairs in Lower Canada still more complicated and still more disastrous, and failure will be accompanied by the utter destruction of the political character of the nobleman from whom so much is now expected, and to whom so much is now entrusted: — in short, to him it should and will be a question of political life or death. Grant to him, therefore, every requisite power, — make him strictly responsible; but, above all things, leave him unfettered by any specific instructions from the Colonial Office; for every impartial person, after a careful perusal of the despatches which have lately been laid upon the table of the House, must, I think, be convinced of the ignorance and incapacity of that Office. The necessity of sending Lord Durham on so extraordinary a mission proves, of itself, that the Head of the Colonial Office has been and is unable to carry on the administration of the affairs of Canada in the ordinary manner, — that he has permitted events to occur which render it imperative to place in other hands an extraordinary control over the province. Her Majesty's Ministers have selected the person whom they deem fittest for the office of Governor General; it would, therefore, be most absurd to shackle him, in any way, by the orders of persons who are virtually acknowledged to be either less capable than himself, or to be of proved incapacity. In proportion as Lord Durham is independent of the control of the Colonial Office, or even of her Majesty's Government, in exactly the same ratio will the probability of a successful termination of these affairs increase.

This country, in its conduct towards Canada, ought now to acknowledge that there are long-standing grievances, which ought to have been and must be redressed; that its rulers have been to blame for having so long neglected those wrongs; that it is most sincerely anxious to make every reparation in its power for the negligence of the authorities; that in earnest of its sincerity it has taken the administration of the affairs of the province out of the hands of the ordinary authorities, and entrusted Lord Durham with plenary power to accomplish the benevolent intentions of the mother country. The first act of the Noble Lord should be one of grace and mercy,—an oblivion of all past political offences, a pardon to all political offenders,—a general amnesty. I hailed with joy the mention made by the Noble Lord of an amnesty, and I cannot but observe that the only person who objected to that wise and humane proposal, — the only person who thirsted after slaughter, and called aloud for blood,—was the representative of the small modicum of learning and Christian charity which exists in the University of Oxford. The only means by which the revolted subjects of her Majesty can be reduced to a state of contented allegiance, are these:—a redress of the grievances of which the House of Assembly have so long, so justly, and so consistently complained, and such an alteration in the constitution of the province as will prevent the recurrence of similar abuses; in short, a general compliance with the demands on which the House of Assembly have so long insisted with such praiseworthy determination. The Noble Lord the Member for Stroud (Lord John Russell) the other night arraigned the conduct of the House of Assembly; last night that body was most ably defended by their agent, my friend, Mr. Roebuck. He contended that in the disputes between the colony and the mother country, not the House of Assembly, but the Colonial Ministers of the Crown, were the persons to blame. Thus we have heard both sides, the arraigner and the arraigned, the accuser and the defender; and it is for this tribunal to decide who has been in the wrong? That a once most loyal colony should have suddenly burst forth into rebellion is matter for grave and serious inquiry, — it proves that blame attaches somewhere; the people of this country have a right to know who have been chiefly culpable, and who ought to be held up to public indignation. The Noble Lord the Member for South Lancashire (Lord F. Egerton), said that he would not inquire into past events, or who were the originators of the present disasters. This was judicious policy on his part. He was wise, for the sake of his party, to attempt to evade this question. From a careful and anxious perusal of all these documents, from a strict examination of the parliamentary folios in which that evidence is contained, I have come to the conclusion that the Tories have been, to a great extent, the cause of the present disasters; that it was their mischievous policy, continued through a long series of years, which first generated, then aggravated, the grievances of the Canadians, and produced those feelings of discontent and distrust, which rendered conciliation nearly impracticable, and led ultimately to revolt.

These considerations have been completely lost sight of in the late debates. The Right Honourable Baronet opposite has assumed, as an all but acknowledged fact, that the colonial government of the Tories was nearly perfect, and that a return of his party to power would be the greatest benefit to the colonies. I admired the dexterity with which he made these assumptions,—to which some of my Honourable Friends, I was surprised to find, lent the weight of their authority by greatly magnifying the liberality of the intentions of Sir George Murray and Lord Aberdeen. As far as Sir George Murray was concerned, I am inclined to suspect that those liberal sentiments were only written with the view of being laid upon the table of the House, and printed,—because, with ample opportunity, they never gave birth to any liberal actions, and I am induced to believe that, on the much-wished-for (by Honourable Gentlemen opposite) advent of their party to power, the colonial policy of this empire would not be in any way improved, not to say not deteriorated. At least, so I infer from the result of their policy towards Canada. A more loyal people did not exist, nor one more firmly attached to the dominion of this empire, than the inhabitants of that province; for a long time, they did not even sufficiently prize the benefit of free institutions; they looked with indifference upon the possession of electoral rights, and of a representative assembly; their boast was that, under the sceptre of England, they enjoyed, without trouble, all the advantages of the government of the United States. They were soon aroused from their political apathy by acts of Tory misrule, and taught to value privileges which they had previously but little cherished. This change of feeling took place under the government of Sir James Craig, about the year 1807, when Lord Castlereagh was Secretary of State for the Colonies. Sir James Craig acted in the most violent manner towards the people of the province; addressed the House of Assembly in the most disrespectful terms; rejected their proposal to defray the civil expenses of the province; twice dissolved the House of Assembly in a year; and, in order to influence the elections, caused the press of a liberal paper to be seized; and three of the leading members of the former assembly to be thrown into gaol on charges of sedition, which were never attempted to be sustained. This insane conduct of the Tory governor destroyed the influence both of the Administration and of all persons connected with it; since that period, the Government has never been able again to command a majority in the House of Assembly. These events were soon followed by the American war, during the continuance of which the inhabitants of Lower Canada lavished their blood and their treasure in defence of the province, and showed a zeal and a courage in the cause of this country which have been but ill requited. From the conclusion of the war in 1814, down to 1818, little occurred worthy of notice. The dissensions occasioned by Sir James Craig's misgovernment were renewed, and an attempt was made to impeach some of the judges for the advice given to the Governor. In the latter year, the House of Assembly obtained permission to defray the civil expenditure of the province. In the subsequent year, the disputes about the supply Bill commenced. When, in 1810, the House of Assembly first offered to defray the civil expenditure, that expenditure did not exceed 40,000*l.* per annum. In 1817, it had reached 60,000*l*; and, in 1819, the Assembly was called upon for an additional 16,000*l.* The House of Assembly became alarmed; they found that, in proportion as the customs revenues of the province had increased, the civil expenditure likewise increased,—a fact easy to be accounted for, when it was remembered that neither those revenues nor the civil expenditure of the province had then been under the control of the representatives of the people. The House of Assembly, in consequence, narrowly scrutinised the expenditure, struck off several useless expenses, and passed a Supply Bill by items, which was rejected by the Legislative Council. With this Act of the Legislative Council commenced the financial disputes of the province,—those financial disputes which have never entirely terminated. From the year 1820 to the year 1828, was the disastrous, and I will even term it disgraceful, government of Lord Dalhousie; at that period, Lord Bathurst was the Colonial Secretary during seven years. Mr. Huskisson was Colonial Secretary only for a very short time. During that interval, it may be seen what, in reality, is the conduct of a Tory government in the colonies, when not under the immediate influence of the force of public opinion; and what acts of injustice they will then perpetrate. For instance, in 1822, a Bill was suddenly introduced for the purpose of uniting the two provinces of Upper and Lower Canada, without any information whatsoever being given to the people of the two provinces. This act of gross injustice was fortunately delayed by the efforts of my Honourable Friend the Member for Kilkenny and of Sir James Mackintosh, until information of the intentions of the Government was conveyed to the provinces. Public meetings were then held for the first time in every part of Lower Canada, and the strongest indignation and opposition to the measure was expressed by the inhabitants of both provinces, more especially by those of Lower Canada; and, in consequence of the universal feeling on this subject, the Bill was never again introduced. In the same year, the Canada Trade Bill was passed, which rendered permanent certain temporary taxes, which had been granted by the House of Assembly in order to defray the expenses of the American war: this was most unconstitutional, and in direct violation of the Act of 1791. The same Act, and the Canada Tenures Act of 1825 (to which I shall have again to allude), interfered with the whole tenure of private property in the province, and altered, to a great extent, the law of real property. At the close of 1823, the Receiver General failed for 96,000*l.* of the public money, about a year and a half of the civil expenditure of the province. It appears, says the committee of 1828, that no acquittance could be traced from the Treasury of a later date than the year 1814. It appears, likewise, that the fact of the Receiver General's insolvency, was known to the Governor a considerable time before he was suspended, and the Governor even lent him 30,000*l.* out of the army chest!

Such was the manner in which Honourable Gentlemen opposite administered the pecuniary affairs of the province. No securities had been taken in the province for the solvency of the Receiver General. About the same time, two sheriffs failed, in whose hands were the moneys of poor suitors; one failed for 37,000*l.*, and another for a less sum. It appeared, likewise, that no securities had been taken for them. During the whole period from 1820 to 1828, only two Supply Bills were passed by the Legislative Council, on account of the disputes between the House of Assembly and the Colonial Office, with regard to the Civil List, and with regard to the claim of the House of Assembly to appropriate the revenues raised under an Act of 1774. The Legislative Council proved themselves, by their conduct with regard to the Supply Bills, to be (to use the words applied to them by the Member for North Lancashire) "the mere tools of the local government;" at one time, at the wish of one government, they accepted the same description of Supply Bill which they rejected at another time at the bidding of the Colonial Office. But the Government, undoubtedly with the sanction of the Colonial Office, did not hesitate to seize, without authority, the moneys in the public chest. The committee of 1828 says,—

> That the local government has thought it necessary, through a long series of years, to have recourse to a measure (which nothing but the most extreme necessity could justify), of annually appropriating, by its own authority, large sums of the money of the province, amounting to no less than 140,000*l.*, without the consent of the representatives of the people, under whose control the appropriation of these sums is placed by the constitution. Your committee cannot but express their deep regret that such a state of things should have been allowed to exist for so many years in a British colony, without any communication or reference having been made to Parliament on the subject.

The committee likewise state other grave allegations against the administration of Lord Dalhousie; of the dismissal of many militia officers for the constitutional exercise of their rights; of the sudden and extensive remodelling of the commission of the peace, to serve, as it is alleged, political purposes; of a vexatious system of prosecutions for libel at the instance of the Attorney General, and of the harsh and unconstitutional spirit in which these prosecutions have been conducted. Such, according to a committee of the House of Commons, appointed on the motion of Mr. Huskisson, was the mode in which the Tories governed a country for no less a period than eight years. The petition complaining of these grievances, signed by no less than 87,000 persons, was presented to the House of Commons. In consequence of the Report of that committee, Lord Dalhousie was recalled from Canada, and his illegal, and I will almost say iniquitous, conduct was recompensed by a high military command in India. In the same year, Sir George Murray came into power, and wrote that despatch which my Honourable Friends have so praised for liberality of sentiment, without taking the trouble of examining whether it gave birth to any liberal acts. He did nothing. Few colonial ministers were ever placed in a more favourable position. He might have rendered the greatest service to his country, and averted the difficulties under which this country is now labouring with regard to Canada. In short, he might have merited all the praise my Honourable Friends have bestowed upon him. The House of Assembly had expressed almost extravagant admiration of the Report of the committee of 1828: all that was then required was, to follow out the intentions of the committee by passing an Act of the Imperial Parliament to relieve the Lords of the Treasury from the duty of appropriating the revenues raised under the Act of 1774. No one can doubt that all these unhappy dissensions about a permanent Civil List, and about the independence of the judges, might then have been easily settled. 1828, 1829, 1830 passed away; nothing was done by Sir George Murray. The excuse was, that debates in Parliament on the Catholic Emancipation Bill, the death of the King, and other events prevented him from introducing the measures required. This excuse, if well founded, is the best practical illustration of the difficulty, if not impossibility, of governing, with anything like the semblance of justice, a colony removed 3000 miles from the seat of government. But the excuse is an absurd one; for Honourable Gentlemen are aware how easily colonial Bills are hurried through this House, and the Act required would have consisted only of a few lines, and a single clause. Indeed, a similar Act was passed in 1831, during the disputes on the Reform Bill. To the non-passing of the Act in question I attribute the present disasters. And for those evils I contend, therefore, that Sir George Murray and his friends opposite are, to a great degree, responsible. The House of Assembly, on the one hand, the Colonial Office, on the other, maintains each of them its right to control the revenues raised under the Act of 1774. Supply Bills were passed by the House of Assembly, in which the claims of the Assembly were indirectly maintained. They were protested against, but accepted by Sir James Kempt, who acted, I acknowledge, in the most liberal and conciliatory manner, though it appears, from the despatches of Sir George Murray, that his conduct hardly met with the approbation of the Colonial Office.

The Honourable Baronet the Member for Devonport said, that all the financial claims of the House of Assembly have been granted. So they have been,—that proves they were just claims; but when was justice done? The claims were made in 1794; a portion of them were conceded in 1831, and the rest in 1836,—forty-two years delay of justice! If, however, tardy justice had been done in 1828, that would have sufficed; but nothing was done. In consequence of the delay to which I have referred, angry disputes continued, producing great and unnecessary irritation; the expectations of the people of the province had been greatly excited by the Report of the committee of 1828; those expectations were disappointed; deep-seated distrust had succeeded to confidence, and when Lord Grey's Administration came into power, they had to contend with the evil effects of more than twenty years of Tory misgovernment and tyranny. Their task was a most difficult one; and I will not even take it upon myself to assert, that with the then state of feeling of the inhabitants of Lower Canada, it would have been possible finally to settle the existing difficulties, without pursuing a course of policy that none but men of superior and energetic minds would have dared to attempt, and which, perhaps, at first, would have found but few supporters. With the removal of Sir George Murray from the Colonial Office, the reign of Tory policy in that department of the State did not, however, terminate; and I have no doubt that Honourable Gentlemen opposite will gladly acknowledge that Lord Ripon (who then became Colonial Secretary) belongs to their party. Lord Aylmer was made Governor of Lower Canada about the same time. Lord Ripon, by the Act of the 1st and 2d William IV., surrendered, at last, to the House of Assembly the revenues raised under the Act of 1774. He, however, most unfortunately determined to retain the casual and territorial revenues, which had hitherto been placed at the disposal of the Colonial Legislature for general purposes. He retained them, it must be observed, in order to provide for the support of the Established Church of England. A most unfounded charge has been brought against the House of Assembly with regard to these revenues, namely, that they laid claim to the appropriation of sums of money to which they had no right whatsoever. This charge was refuted, last night, by Mr. Roebuck. On reading the message of Lord Dorchester, in 1794, and of Sir James Kempt, in 1828, I find that both of them prove that those revenues were generally placed at the disposal of the Colonial Legislature; —indeed, in 1799 the House of Assembly made a permanent grant of 5555*l.* 11*s.* 1*d.* in return for those revenues. The Honourable Baronet the Member for Devonport has denied that the message of Lord Dorchester did place those funds at the disposal of the colony. I contend that it did—that the claim of Lord Ripon to apply them to the support of the Church of England was a most unjustifiable one. I will, in proof of this position, refer to the evidence of Lord Aylmer, who, in a despatch, dated the 26th of January, 1832, tells Lord Ripon, with regard to these revenues, "Here, then, the Crown and the House of Assembly are still at issue; and I cannot conceal from your Lordships my apprehensions that the latter will never be induced to forego its pretensions, which certainly derive considerable weight, from the circumstance of these revenues having hitherto been placed at the disposal of the Colonial Legislature for general purposes." Lord Ripon thought proper, however, to divert these revenues from the purposes to which they had heretofore been applied, in order to give 300*l.* a-year to the Bishop of Quebec, and to maintain the Established Church of England, to which communion about one fifth of the Protestants, that is, only one twenty-fifth of the whole population, belonged. After this act, Honourable Gentlemen opposite cannot for one moment hesitate to acknowledge that Lord Ripon was, truly, their "own" Colonial Secretary.

In consequence of the disputes about the casual and territorial revenues, the House of Assembly refused to grant a permanent Civil List. On account of this conduct of the House of Assembly, the Noble Lord the Member for North Lancashire brought an accusation against the House of Assembly of a breach of faith. He first made that charge in 1834; he has repeated it almost every year, till he was obliged, by my honourable friend Mr. Roebuck, to acknowledge that it was utterly unfounded; but so valid was the authority supposed to be upon which that charge rested, being no less than that of a person who had once been Colonial Secretary, that it obtained the widest circulation, and is still generally credited; and I find, from the newspapers, that it was repeated a short time ago by the "Fidus Achates" of the Noble Lord opposite in a speech at Carlisle, wherein he proved to demonstration that he had always been a Tory; and the same charge, I see, is repeated in the leading article of the *Morning Chronicle* of to-day. Great is the guilt of him who makes unfounded assertions; and the Noble Lord has much to answer for in this respect. I will not enter into an examination of the documents in order to disprove the accusation against the House of Assembly; the documents are to be found in the evidence laid before the Committee of 1834. The charge was, that the House of Assembly had promised to grant a permanent Civil List on the passing of the 1st and 2d William IV. Now, I will merely observe, that in a despatch, dated 15th of March, 1831, Lord Aylmer informed Lord Ripon that the House of Assembly would not grant a permanent Civil List unless the casual and territorial revenues were surrendered. This despatch was acknowledged by Lord Ripon on the 15th of May, 1831, and it was not till September of the same year that the 1st and 2d of William IV. was passed; consequently, Lord Ripon was well aware that the House of Assembly would not assent to his proposal for a permanent Civil List four months, at least, before this Act was passed. Connected with these disputes about the territorial revenue and the permanent Civil List is the question of the independence of the judges. The Noble Lord the Member for Stroud, whilst arraigning, the other night, the conduct of the House of Assembly, complained of their refusal to grant permanent salaries to the judges. It will hardly be believed, after all which has been said on this subject, that the House of Assembly did pass an Act, granting the permanent salaries required; that the Act was thankfully accepted by Lord Aylmer; and that Lord Aylmer most earnestly requested Lord Ripon to accept it; and if Lord Ripon had accepted it, the disputes would have terminated;—but Lord Ripon refused the Bill for some inconceivable reason. I will produce the proof of these assertions. Lord Aylmer, in his address of the 5th of December, 1831, called the attention of the House of Assembly chiefly to the independence of the judges. He says, in conclusion, after referring to other subjects, "But he is most anxious to see the question of the independence of the judges, and of permanent provision for their salaries, retired allowances, and incidental expenses, finally disposed of by a distinct and substantive enactment, before bringing the other, and comparatively less important, measure specifically under their consideration." The House will find in the evidence of the committee of 1834 the Bill was passed by the House of Assembly, in compliance with the request of Lord Aylmer. An objection has been urged against that Bill, that the amount of salaries of the judges was not stated in it, and that they were to be voted annually; but the words of the Bill are, "That from and after the passing of this Act, the salaries, which are now annually allowed and paid to the said judges, shall be secured to them in a fixed and permanent manner;" and Lord Aylmer fully explains the reason for not mentioning the amount of the judges' salaries in the Bill; he tells Lord Ripon, in a despatch, dated the 26th of January, 1832,—

> I think it necessary to mention to your Lordship, that in framing my message to the House of Assembly, upon the independence of the judges, I conceived it unnecessary to make any specific statement regarding their salaries and retired allowances, for it was well understood beforehand, that the Assembly was fully prepared to continue the salaries of the judges upon their present footing, and to make a liberal provision for their retired allowances. The event has justified this expectation.

This Bill received the unanimous assent of the Legislative Council; and the following were the terms in which Lord Aylmer spoke of this measure in his address to the House of Assembly and to the Legislative Council: —

> Amongst the many important measures adopted this Session, all of which are more or less calculated to promote the interests of the province, I have (he said) great satisfaction in noticing the Bill for establishing the independence of the judges. I think it necessary, at the same time, to inform you, that although the principle of this Bill coincides altogether with the views of his Majesty's Government, it contains one or two provisions which impose upon me the necessity of reserving it for the signification of his Majesty's pleasure. The passing of the Bill for securing the independence of the judges may be considered as the first practical effect of the despatch of Viscount Goderich of the 7th of July.

Such were the terms in which Lord Aylmer spoke of this Bill to the House of Assembly; at the same time he wrote to Lord Ripon, entreating him to agree to the measure. He says, in his despatch of the 26th of January, 1832: —

> I take leave, with the utmost submission, to recommend it to the favourable consideration of his Majesty. Once rejected, it is highly probable that no other from the House of Assembly at a future period can be expected upon more favourable terms, or even upon terms equally favourable.

Such was the language of Lord Aylmer to Lord Ripon; nevertheless Lord Ripon rejected the Bill. Who was to blame? That Colonial Minister. There are no other events of any note which occurred during the remainder of Lord Ripon's colonial administration, except that, in 1832, on account of the Supply Bill being reserved for the consideration of the home authorities, Lord Aylmer thought proper to take, without sufficient authority, a certain portion of the public moneys. For this act, however, it must, in justice to Lord Ripon, be stated, that Lord Aylmer was severely censured. In the year, 1833, Lord Ripon was succeeded by another Noble Lord, whom, I doubt not, the Tories will most readily claim as their own, and be willing to bear the responsibility of his acts. That Noble Lord, in his previous office, had not won the affections of the Irish people, nor, on account of his colonial administration, did the inhabitants of Lower Canada bear towards him kindlier feelings. The situation of the Noble Lord was well delineated by the caricaturists of the day, as that of a person who was leaping out of the frying-pan into the fire. In consequence of the conduct of the Legislative Council in rejecting the Supply Bill passed by the Assembly, the House of Assembly became convinced of the impossibility of carrying on the government in harmony with the other branch of the Legislature; they sent an humble address to his Majesty, praying him to sanction a general assembly of the people, for the purpose of determining what alteration should be made in the constitution of the province; the reply of the Noble Lord, in a despatch which was laid before the House of Assembly, was in a tone better fitted to the angry disputes and contentions of this House, than to the reply of a colonial minister to the provincial Parliament. And the Noble Lord offended the House of Assembly by saying, with regard to the proposed plan, that "on the mode proposed, his Majesty is willing to put no harsher construction than that of extreme inconsiderateness; to the object sought to be obtained, his Majesty can never be advised to consent, as deeming it inconsistent with the very existence of monarchical institutions." This language to the House of Assembly was extremely inconsiderate, if not deserving of a harsher appellation; the House of Assembly were justly indignant, and in their famous ninety-two resolutions of the succeeding year, they denounced the Noble Lord in set terms. They say, "That it is with astonishment and grief that they have seen in the extract from the despatches of the Colonial Secretary, communicated to this House by the Governor-in-Chief during the present Session, that one, at least, of the Members of his Majesty's Government in England entertains towards them feelings of prejudice and animosity, and inclines to favour plans of oppression and revenge ill adapted to change a system of abuses, the continuance of which would altogether discourage the people, and extinguish in them the legitimate hope of happiness, which, as British subjects, they entertain." It is not necessary for me to refer to the ninety-two resolutions of the committee of 1834. The Noble Lord opposite was succeeded by the present Chancellor of the Exchequer, whose only official act was, to take 31,000*l.* out of the army chest to defray the salaries of the unpaid officials of the province. Mr. Roebuck, I think, stated, I know not upon what authority, or how trustworthy, — probably it was upon the word of the Chancellor of the Exchequer himself, — that a despatch was written which would have settled all the difficulties in Lower Canada; but, unfortunately, the very day it was to have been sent off, the Melbourne Administration was dismissed, and no one knows what became of the despatch. The Right Honourable Gentleman was succeeded by Lord Aberdeen, who likewise, according to some of my Honourable Friends, wrote a most admirable despatch, which likewise produced no effect. Up to this period, the Tories, and the Tories alone, with the exception of Mr. Spring Rice, are responsible for the colonial government; and, as I think I have shown, there is no reason whatever to suppose that their conduct would be one iota better than that of the Whigs; they, in reality, have been the causes of those angry emotions and bitter feelings which have led to the present disasters.

Since that period—since the beginning of 1834, her Majesty's present Ministers are alone responsible for colonial mismanagement. They sent out commissioners to Lower Canada. The first object of the commissioners was to deceive; they concealed their instructions, and pretended that they were unfettered upon every subject. Now, the popular party had come to the conclusion that no arrangement would be satisfactory, without a complete change in the constitution of the Legislative Council. The House of Assembly had expressed that opinion in their resolutions, and the Colonial Office had been repeatedly warned, that without agreeing to such a change, any attempt to settle the disputes would be useless: but, in the instructions to the commissioners, the question of an elective council was a forbidden one; this fact the commissioners carefully concealed, and endeavoured, by holding out false hopes, to obtain the supplies. The following is the account of this, which must, at least, be termed an extraordinary proceeding, given by Sir George Gipps:—

> Had we, on our first arrival (he said) declared that the question of an elective council was absolutely a forbidden one, we should have failed, *in limine*, with one party, for we have now the best reason for knowing that there would, in such case, have been no Session of the Assembly; had we, on the other hand, spoken of our instructions as more favourable to the democratic party than they were represented in the Governor's opening speech, we should not only have sinned against truth, but have driven, perhaps, the English party to violence. I do not think we were ever at liberty to publish our instructions in *extenso*; but had we even done so, no good effect would, in my opinion, have been produced by it. The course which we pursued was so far successful, that there was every reasonable prospect up to the ninth of last month that the arrears of the last three years, and the supplies of the current year, would have been granted. We have the most complete assurances that on the 7th of last month such a determination was provisionally adopted at a private meeting of the persons of most influence in the Assembly, the question being then to come on in the House on the 11th.

Unfortunately, however, for this scheme, Sir F. Head, the Governor of the Upper province, published extracts from his instructions, which were of a similar description to those of Lord Gosford. From those extracts, the House of Assembly found they had been deceived, and, justly indignant, they set aside the question of paying the arrears, and voted a Supply Bill only for six months, which was rejected by the Legislative Council. With the exception of the resolutions of last year, and which were the proximate cause of rebellion, I do not know any other charge which can justly be brought against her Majesty's Ministers besides that of having placed Lord Glenelg at the head of the Colonial Department. Every person reading the despatches laid upon the table of the House, or perusing the brilliant and sarcastic examination of those documents made in another assembly, must, I think, acknowledge that the Noble Lord, though by no means the least competent of her Majesty's Ministers, is wholly incompetent for his high and responsible situation. Such is the brief outline of the history of the Tory misgovernment of Lower Canada, and of the financial disputes which have agitated that province. The persons to be blamed, and the most criminal (for I will not arraign the miserable tools in the province, but call the chiefs to account), have been the Tory Secretaries of State and for the Colonies — Lord Castlereagh, Lord Bathurst, Sir George Murray, Lord Ripon, and Lord Stanley. There are other grievances of the Canadians, caused by these Honourable Gentlemen, which require to be mentioned, and can be proved by the Report of the commissioners, whose observations apply chiefly to the conduct of the three last mentioned secretaries — Sir George Murray, Lord Ripon, and Lord Stanley. The greatest grievance, next to the financial ones, and the most frequent topic of complaint, has been the constitution of the Legislative Council. That body had been framed on the notion that it should represent, in Canada, the House of Lords of this country; but, instead of being an independent assembly, sometimes siding with the popular party against the encroachments of official authority, at other times uniting with the Government against the too rapid extension of popular principles, it has sacrificed its independence by leaguing itself entirely with the Government; it became the mere tool of the Government, to use the words of the Noble Lord in his days of juvenile Whiggery. The conduct of this Colonial Government was equally impolitic; instead of perceiving and acknowledging the importance of the House of Assembly as representatives of the people, it relied exclusively for support upon the Legislative Council. The commissioners, in their General Report, state: "Instead of the Government shaping its policy so as to gain the confidence of the House of Assembly, it adopted the unfortunate course of resting for support exclusively on the Legislative Council." Thence arose feelings of jealousy and animosity between the two Assemblies, and frequent and well-founded complaints of the constitution of the Legislative Council were made by the House of Assembly. In 1828 the Canada committee recommended "that a more independent character should be given to the Executive and Legislative Councils, that the majority of their Members should not consist of persons holding offices at the pleasure of the Crown, and that any other measures that may tend to connect more intimately this branch of the constitution with the interests of the colonies would be attended with the greatest advantage."

As long as the Tories remained in the Colonial Office, up to the middle of the year 1834, what has been their conduct? The evidence of the commissioners, which applies almost entirely to the conduct of Sir George Murray, Lord Ripon, and Lord Stanley, is very very valuable upon this subject, and I cannot refrain from reading some of the extracts which were made by Mr. Roebuck: —

> They ascribe the fact of no formal demand for an elective council having been made before 1833, simply to the expectation entertained by the popular party, that in consequence of the recommendations of the committee of 1828, very essential alterations in the composition of the colonies were on the point of being effected. An alteration was indeed produced in 1832. The judges ceased to take any part in its proceedings, and thirteen new members, unconnected with the Government, were added in the course of the year; but that these new nominations were unsatisfactory to the Assembly, and that the disappointment they felt at the alterations of the Council was the cause of their fresh proceedings against it, may be inferred from the fact, that in the next Session of the Legislature was voted the first address, in which a demand for an Elective Council was put forth.

The Commissioners state, that the popular party expected that the Legislative Council would be made to harmonise, to a great extent, with the House of Assembly. With regard to the appointments just mentioned, they say: —

> We may, we think, venture to say, that whilst they satisfied the terms of the recommendation made by the committee of 1828, as far as the matter of pecuniary independence of the Crown was concerned, they scarcely produced an alteration in the political character of the body to which the new members were aggregated.

The following is the delicate manner in which the commissioners speak of the feelings and conduct of the Legislative Council: —

> In the course of these protracted disputes, too, it has happened that the Assembly, composed almost exclusively of French Canadians, have constantly figured as the assertors of popular rights, and as the advocates of liberal institutions, whilst the councils in which the English interest prevails have, on the other hand, been made to appear as the supporters of arbitrary power, and of antiquated political doctrines; and to this alone, we are persuaded, the fact is to be attributed that the majority of settlers from the United States have hitherto sided with the French rather than the English party. The representatives of Stanstead or Missisquoi have not been sent to Parliament to defend the feudal system, to protect the French language, or to oppose a system of registration. They have been sent to lend their aid to the assertors of popular rights, and to oppose a government by which, in their opinion, settlers from the United States have been neglected or regarded with disfavour. Even during our residence in the province we have seen the Council continue to act in the same spirit, and discard what we believe would have proved a most salutary measure, in a manner which can hardly be taken otherwise than to indicate at least a coldness towards the establishment of customs, calculated to exercise the judgment and promote the general improvement of the people: —we allude to a Bill for enabling parishes and townships to elect local officers, and assess themselves for local purposes; which measure, although not absolutely rejected, was suffered to fail in a way that showed no friendliness to the principle.

And the following is the still more delicate manner in which the commissioners of the Government reply to the question, whether the Government,—that is to say, whether Sir G. Murray, Lord Stanley, or Lord Ripon,—had performed their duty of following out the recommendations of the committee of 1828: —

> If these recommendations are satisfied by the appointment of a large number of new councillors, none of them dependent on the Government for their income, but all living by their own means, and possessing property, or engaged in pursuits connected with the general interests of the country, we have to report that the advice of the committee has been followed. But if, on the other hand, their words be taken to mean, that a change ought to have been made in the political character of the body, we can only repeat what we observed in paragraph 4. of our preceding Report on the Council itself, that there does not appear to have been an alteration effected in that respect.

I think, after this expression of the opinion of the Commissioners, no one can doubt that such alterations have not been made in the constitution of the Legislative Council as ought to have been made. I will not enter into any very minute detail of the evil effects of the Legislative Council. I will not enumerate the number of important subjects upon which they have resisted the House of Assembly, and upon which they have been reluctantly obliged to give way. They are stated in the Fourth Report of the commissioners. I will, however, mention a few of them. The Legislative Council resisted the right of the Assembly to accuse and bring to trial public officers. The Legislative Council refused to permit the House of Assembly to appoint an agent in England; a matter which the House of Assembly considered of the utmost importance, on account of the frequent, unjustifiable, and sometimes most unexpected attempts of the Colonial Office to interfere with the internal concerns of the provinces; as, for instance, in the case of the attempted union of the two provinces in 1822 — of the Canada Trade Act of the same year, by which, as I have already observed, the House of Commons, most unconstitutionally, and contrary to the Declaratory Act of 1778, rendered permanent certain temporary taxes imposed by the Legislature of Lower Canada for the purpose of assisting Great Britain in defending the province during the last American war; of the Canada Tenures Act, in 1825, by which the whole civil law of England, with all its incidents, was at once introduced into the province. The Agent's Bill has been regularly passed by the House of Assembly every or nearly every year for the last thirty years, and as regularly rejected by the Legislative Council, though the committee of 1828 strongly reecommended that permission should be granted to the House of Assembly to appoint an agent. The Legislative Council likewise long resisted the right of the House of Assembly to control their own contingent expenses. The Legislative Council long opposed the demand of the Assembly for the surrender of the proceeds of the Jesuits' estates; and for the withdrawal of the judges from political affairs, or from their seats in the legislative bodies or the Executive Council; — indeed, they have opposed every measure which would tend to make the judges independent and liable to impeachment for misconduct. Instead of the judges holding their offices, as in this country, during good behaviour, they hold their appointments during the will of the Crown; and this fact, coupled with the fact, that on account of the expiration of the jury laws, which the Legislative Council refused to renew, the sheriffs, who are mere tools of the Government, can, by selecting the district out of which the jury is to be chosen, pack the jury, — has destroyed the confidence of the people in the due administration of justice. Moreover, judges sit upon the bench who are totally unfit for their office. For instance: Mr. Spring Rice, while Secretary of State for the Colonies, acknowledged that Mr. Gale was an improper person to be a judge; yet Mr. Gale still remains in that high and responsible situation. Mr. Thompson, likewise, who was proved to have been drunk on the bench, and an habitual drunkard, nevertheless continues to be a judge. To return, however, to the conduct of the Legislative Council, they rejected, in 1826, the School Bill, by which not less than 40,000 children were suddenly deprived of the means of education. They "proved (to use the words of the Commissioners) at least a coldness towards the establishment of customs calculated to exercise the judgment and promote the general improvement of the people," by their conduct towards the Parish and Townships Officers Bill. The evil which they did in rejecting this Bill may be understood from the following extract from the evidence of Mr. Neilson, given before the Canada Committee of 1828: —

> In Canada (he said) we have been plagued with an old French system of government; that is to say, a government in which the people have no concern whatever: everything must proceed from the city of Quebec and the city of Montreal, and persons must come to the city of Quebec and the city of Montreal to do every thing, instead of being able to do for themselves in their own localities. In the United States they have the English system, by which every locality has certain powers of regulating its own concerns, by which means they regulate them cheaper and much better: whereas, with us a man must make a journey to Quebec, he must go to a great expense, he must bow to this man and to that man, and rap at this door and rap at that door, and spend days and weeks to effect a little improvement in a road, or something of that kind of common convenience to a district — whereas all that is done in the United States, without going out of his own small district.

The object of this Parish and Township Officers' Bill was to remedy this great evil, and, consequently, it was rejected by the Legislative Council, whose determined hostility to the wishes of the representatives of the people is sufficiently proved by these facts which I have narrated. To these facts I could add a number of others; — to these facts, however, I appeal when I affirm, that the Legislative Council, up to the latest moment, has been a real grievance to the Canadians: and the Canadians are justified in asserting, either that there has been the most culpable negligence on the part of the Colonial Secretaries, in not improving the constitution of that body, or that its constitution is so radically bad that it ought to be abolished, or rendered elective. I would wish to show, from the Report of the commissioners, that the demand of the House of Assembly for an elective council was not so extravagant a one as some Honourable Gentlemen seem to think. The commissioners said,—

> We will even say that, under more favourable circumstances, at an earlier time, or had less animosity been excited, we can conceive that good might have resulted from the principle of election.

The chief objection of the commissioners to an elective council seems to have been, that they feared that the other party—the anti-popular party—would have broken out into insurrection. The commissioners say, in the same Report,—

> The concession of an Elective Council in the present excited state of public opinion would afford a triumph to one portion of the people, which, we say, would be fraught with danger.

It has been argued by some persons, that the contest between the Legislative Council and the House of Assembly has not been a contest between a small party and the representatives of the people, but between those who are and would be the defenders, and between those who are and would be, still more, the oppressors, of the English race. Sir, I acknowledge that it is in accordance with the generous and noble feelings of a free people to be most anxious, and to take care that wrong should be done to no one connected with them by ties of blood; and I, for one, shall be ready, when it is proved that there is a risk of injury to the just rights of my fellow-countrymen in Canada, to support any measure duly calculated to protect their interests, and advance their wellbeing; and so, I am convinced, will every Member in this House. At the same time, however, especial care should be taken, lest, under the influence of our national feelings,—lest, moved by affection towards those connected with us,—we should be induced to sanction the wicked desires, and gratify the odious passions, of cunning and unscrupulous men, whose only object is power, and whose purposes are more hateful, even, than those of the Orange faction. Such, however, would be the disastrous effect of being guided in our conduct towards Canada by persons who assert that the House of Assembly does not represent the wishes of the Canadians, both of French and English origin. A few simple facts, which I will now state from the Report of the commissioners, with regard to the representation, will prove the contrary. For some time previous to the year 1829, just complaints were made that the townships were not represented, and that the whole system of representation was very unequal. When the Constitutional Act of 1791 was passed, the then governor, Sir Aland Clerk, was entrusted with the power of dividing the province into electoral districts. He took, as the sole basis of his calculations, the numerical amount of the population, and divided into counties as much land as contained a certain number of inhabitants; consequently, at that time, a small district on the (comparatively speaking) thickly peopled banks of the St. Lawrence was found to suffice, whilst, in more distant parts, vast territories were comprehended in one county. After a certain interval, the representation, by the progress of emigration, and the increase of population, became very unequal; persons of the British race, settled in the remoter counties, were hardly represented at all in the House of Assembly, while the French population, contained in the seigneuries of the small counties on the banks of the St. Lawrence, had an undue preponderance in the popular branch of the Legislature. Complaints were justly made by the townships; Bills were brought in and passed by the House of Assembly, but were rejected as unsatisfactory by the Legislative Council. Such was the origin of the complaint that the British, or, more properly speaking, the township population, were unrepresented. I would here observe that, for ordinary purposes, the township population may be considered as of the British or Anglo-Saxon race; that is to say, either composed of emigrants from this country, or of American settlers, who cannot be distinguished from one another, and who would unite together entirely, if the supposed (though highly improbable) contest of races were to take place. The seigneurial population is almost entirely French. Now, the complaint of the townships, of the undue preponderance of the "seigneuries" in the House of Assembly, is no longer well founded. In the year 1829, a Bill was passed by the House of Assembly for amending the representation in proportion to the population; this Bill, however, was greatly altered in the Legislative Council, and the alterations such, that, according to all expectations, say the Commissioners, they would have caused the Bill to be lost in the House of Assembly.

> The general effect (said the commissioners) of the alteration made by the Council is, as far as we can judge of it, to give six representatives to those counties in which a township (that is to say, British) population prevails, more than they would have had under the Bill as it left the

> Assembly, and five less to those which are inhabited by the French Canadians.

And, in another portion of their Report, the commissioners state that, according to the census of 1831,—

> In the counties composed exclusively of seigneurial population, or containing a majority of that description of inhabitants, the proportion of people to each representative was, in the former, 6201, and in the latter, 6883; and that in counties containing a majority of population settled in townships, or composed exclusively of such inhabitants, the proportion of people to each representative was 3394, and 3543. Thus the inhabitants of counties in which the township predominated, had nearly twice as many representatives, in proportion to their numbers, as the inhabitants of counties entirely seigneurial.

Thus, by the amendment of the Legislative Council, the British population have twice as many representatives, in proportion to their numbers, as the French population. The Bill, thus amended, was adopted by the House of Assembly without opposition. After these facts, I can hardly conceive how any impartial man can deny that the British portion of the community have their fair share of the representation of the province. It is true that some of the persons who call themselves the English party were not satisfied, and made the following moderate proposal to the Commissioners: — that there should be one representative to every 2600 British, and one to every 24,000 French; that is, that the British should have ten times as many representatives, in proportion to their numbers, as the French. This is not a bad sample of the moderate views of the so-called English party. The commissioners very fairly observe, with regard to this proposal, that "they are forced to come to the conclusion, that it is one which they cannot recommend." It being evident, I think, that the House of Assembly fairly represents both races, what, I ask, has been the conduct of the British representatives? Does it bear out the position, that the views of the British population are opposed to those of the French? I find that Ottawa, Missisquoi, Shefford, Stanstead, Sherbroke, Drummond, and Megantie are inhabited almost entirely by persons of British origin. These counties, containing a population of 41,000 in 1832, returned twelve representatives; one half of whom, representing a population of 23,000, are invariably to be found on the popular side. Many persons of British origin are returned by French constituencies; but, according to the commissioners, more than one half of the representatives of British origin in the House of Assembly are in the constant habit of voting with the popular party: and they have stated, likewise, in their General Report, that "the majority of settlers from the United States have sided with the French, rather than the English party;" and Sir George Gipps allows that, "so long as the contest can be made to appear as one not of nationality, but of political principle, the Americans, and a portion even of the British, will be on the democratic side." These facts, I think, prove that up to the present moment there is no real contest of races in the province of Lower Canada. In that province there is truly a so-called English party, whose only characteristic similarity to the majority of our fellow-countrymen, I believe and I trust, consists in the fact of their speaking the English tongue. They are a small faction, whose object is power; who, for that purpose, appeal to disgraceful national antipathies, and dare to make the extravagant demands to which I have referred, and claim as their right a tenfold share in the representation of the province; — an odious and monopolising *clique*, the source of all evil, the origin of all the disputes which have so long agitated that unfortunate country. The organs of the Tory party have most correctly proved the similarity between this so-called English party in Lower Canada, and the Orange faction in Ireland. Every odious sentiment, and every hateful principle,—every mischievous prejudice which is characteristic of the one, belongs likewise to the other faction; and I trust the people of this empire will show as little sympathy for the one, as it ought to feel for the other. But if, on the grounds of being dissimilar in race, and of speaking a different language, you are to accord dominion to this party in Canada, then tenfold is the claim of the analogous party in Ireland to supremacy over a people whose native language is far more dissimilar to our tongue, and who spring from a stock far less akin to ours than that of the French. I own that I feel ashamed and humiliated, that in this, the nineteenth century, I should have to combat and denounce antipathies arising out of the difference of race. Every effort has been made to excite such antipathies. To one attempt of this description, I would wish most particularly to allude. The Canadians have been represented as a bigoted and ignorant people, stupidly and slavishly attached to ancient and barbarous feudal customs and privileges. Such was the language of the Noble Lord the Member for Stroud when quoting Montesquieu; he said, "He who pays cess is a serf, he who does not is free."

Such has been the language of Honourable Gentlemen, because the Canadians prefer seigneurial tenure to that which has been attempted to be introduced by an Act of the Imperial Legislature. Now, I contend that they are justified in their preference of the seigneurial tenure; and, for the purpose of proving that they are in the right, I will appeal again to the Reports of the Canada commissioners. The commissioners state that "the feudal tenure, as it was first introduced into Canada, appeared to them to have been, in some particulars, adapted to the settlement of a new country;" and comparing the incidents of the two tenures, namely, of the feudal tenure, and of that in free and common soccage, they say, "The modes of conveyance, under the French customs, are simple, expeditious, and cheap;" and "the French rules of descent are much preferred to the law of primogeniture, by the people of all origins on this continent;" and they recommend the application of the French modes of conveyance and descent to the tenure in free and common soccage. Undoubtedly, there are inconveniences attached to the feudal tenure; the heavy fines on the transfer of property, and the other obstacles to its free transmission, arising out of the feudal tenure, have an injudicious tendency. But those evil effects are beginning to be generally acknowledged; and," say the commissioners, "in the views now expressed by leading Canadians of French origin, there is no desire whatever to perpetuate the onerous parts of the tenure, and the people have been moved in some cases to represent the inconvenience." The patriotic meeting in the county of Vaudreuil demanded a relief from feudal burdens; and the commissioners state, likewise, "that a Committee of Assembly, in 1834, in a Report which they made, exhibited a feeling very favourable to the extinction, on reasonable terms, of the burdens of the seigneurial tenure." The French Canadians, therefore, are not blindly and foolishly attached to the mischievous effects of the feudal tenure; but they do object to the conduct of this country in attempting to interfere with a matter which ought to be one of internal arrangement: and they object, for this reason, to some Acts of the Imperial Parliament; for instance, to two, especially to the clauses of the Canada Trade Act (3d Geo. IV. cap. 119. sec. 31. and 32.), and to the Canada Tenures Act (6th Geo. IV. cap. 59.). Now, with regard to the two laws which I have just mentioned, the commissioners state, that complaints have been made on the following grounds:—First, "That the subject of tenures is one of internal arrangement, in which the Imperial Parliament ought not to interfere, and on which it could not possess sufficient knowledge to legislate, without falling into error." With regard to this complaint, the commissioners say,—

> We think there is reason for it, and that the interference of the Imperial Parliament in matters of this nature ought, if possible, to be avoided. As an example of the inconvenience which it is liable to create, we may state, that, most probably from an insufficiency of local knowledge, it has been found lawful to commute for the unconceded parts only of seigneuries, in two cases out of three that have occurred under the Tenures Act.

The second objection is, "That the Act of 1825, in a part of it purporting to be declaratory, established a law different from what had prevailed in practice, and unsettled various rights of property." The commissioners say, —

> The second objection was also, in our opinion, well founded. We conceive that the unqualified introduction of the English law of real property was, at any rate, not suited to the circumstances or to the wishes of any class of the people.

The third objection is, that the Act of 1825 was far too favourable to the *seigneur*, whilst it did very little for the *censitaire*—that is to say, that it was very advantageous to the great landlord, but not to the small tenant; this objection, likewise, say the commissioners, "is, we think, founded in fact." Thus, I consider that I have shown, from the Report of the commissioners, that the people of the province have had good reason to complain of the Tenures Act. I would observe, that the Government is to blame for the small number of voluntary commutations of tenures between seigneurs and censitaires. The censitaire is only entitled to demand a commutation of tenure when the seigneur has previously commuted with the Crown. Now the committee of 1828 recommended that the seigneurial rights of the Crown should be given up, and the *droit de quint*, which is a fine on the transfer of seigneurial property, should be remitted, in order to facilitate voluntary commutation between seigneurs and censitaires under the Act of 1825. This recommendation of the committee of 1828 has not been attended to by the Colonial Office, and for this inattention the Colonial Office is justly deserving of blame; for, say the commissioners, "if the impediment which is presented by the *droit de quint* had been thus surmounted, nothing would be more easy than the arrangement of voluntary agreements between seigneurs and censitaires for the discharge of lands from the dues and services of their actual tenure;" and for these reasons they recommended the *droit de quint* should be given up. In short, the commissioners fully and completely allow the validity of the complaints of the House of Assembly with regard to the Tenures Act: and in the conclusion of their Report they state, "We have no hesitation in saying, that in our opinion, the Tenures Act of 1825, and the clauses in the Trade Act of 1822, which relate to tenures, should be repealed."

Thus, Sir, I have assigned my reasons for deciding that, not the House of Assembly, but the Colonial Secretaries, most especially the three — Sir George Murray, Lord Ripon, and Lord Stanley, are to blame; and, thus, Sir, I have enumerated a series of grievous wrongs inflicted on the Canadian people by the tools of the Colonial Office, and for which the Ministers who have presided over that department of the State ought to be held strictly responsible. But, it should be remarked, that of all the high functionaries the Colonial Secretary is the one least exposed to effective responsibility, because the people of a mother country are necessarily uninterested and unacquainted with the affairs of their remote dependencies: therefore, it is only on extraordinary occasions that the public attention can be diverted from matters of nearer interest to colonial concerns: it is rarely that the Colonial Office can be made to feel the weight of public opinion, and to fear censure and exposure; where, however, responsibility is wanting, the experience of all ages has proved that abuses will exist, and must continue to exist, unredressed, until at last they reach that amount which induces them no longer to trust to prayer and humble petition, but raise the cry of war, and have recourse to arms. Such has been the case of Canada. In that province, for the last thirty years, acknowledged abuses have existed; acknowledged by committees, and by Members of every party in the House of Commons. Great changes have taken place in the Government of this country, yet no change has taken place in the administration of colonial affairs. The same odious system of colonial misgovernment which was pursued by the Tories has been acted upon by the Whigs. The causes for the continuance of the same colonial system under Ministers of the most adverse principles are easily to be explained. The Colonial Secretary seldom remains long enough in his office to become acquainted with the concerns of the numerous colonies which he governs. In the last ten years there have been no less than eight different colonial secretaries. They have seldom, therefore, the time, and still more seldom the inclination, to make themselves acquainted with the complicated details of office; their necessary ignorance renders them merely tools in the hands of the permanent under secretaries and other clerks. Sir, it is in the dark recesses of the Colonial Office — in those dens of peculation and plunder — it is there that the real and irresponsible rulers of the millions of inhabitants of our colonies are to be found. Men, they are, utterly unknown to fame, but for whom, I trust, some time or other, a day of reckoning will come, when they will be dragged before the public, and punished for their evil deeds: these are the men who, shielded by irresponsibility, and hidden from the public gaze, continue the same system of misgovernment under every party which alternately governs the destinies of this empire. By that misgovernment they drive our colonies to desperation — they connive at every description of abuse, because they profit by abuse; they defend every species of corruption, because they gain by corruption; — these men I now denounce as the originators and perpetrators of those grievances in Canada, the evil effects of which this country has already begun to experience. I trust the experience thus gained will convince the people of the necessity of a sweeping reform in the Colonial Office.

There remains, Sir, for me, one other Canadian grievance to mention — the great, the master-grievance of all; and for this grievance not only is the Colonial Office responsible, but the whole of her Majesty's Ministers, and even, unfortunately, the Imperial Legislature of this country; that grievance consists in the resolutions passed, last Session, by Parliament. Those resolutions virtually destroyed the constitution of Lower Canada; — it was the grossest absurdity to call together, last autumn, the House of Assembly, for the purpose of informing them that the Imperial Legislature had deprived them of their most valuable rights; and I contend that the conduct of the House of Assembly was, on that occasion, most praiseworthy, and consistent with the spirit and determination which they have always evinced. It is fortunate that her Majesty's Ministers can find one individual fit to be sent to Canada who took no share in those wicked resolutions; for, if Lord Durham had either assented to, or approved of, or in any way, directly or indirectly, participated in the conduct of the Government on that occasion, not the slightest confidence, not the smallest reliance, could be placed in him, and his mission to Canada would, without doubt, be a complete, a miserable, and a disgraceful failure. These fatal resolutions were the proximate cause of the present revolt; and, though I must deeply lament that blood has been shed, still, if the insurrection should, by sending Lord Durham to Canada, tend to bring the unhappy affairs of that province to a satisfactory settlement, I, for one, shall not consider that, on the whole, there will be much reason for deep sorrow and regret on account of late events. With regard to the issue of the struggle which is now taking place in our North American colonies, I have already expressed what are my hopes, my fears, and my wishes. For so doing I have been held up to public indignation, and received unmeasured abuse. But whether I am denounced as traitor or rebel in the courteous though somewhat wearisome tones of the Noble Lord the Member for South Lancashire, or in the more energetic vituperations of interested orators, is a matter to me of utter indifference. Not one expression I have used, not one opinion I have uttered, not one word which has escaped from my lips with regard to this question, do I in any way regret or retract; and if I do not at the present moment reiterate those sentiments, it is partly out of respect for the feelings of this Assembly, partly because I cannot find terms strong enough to embody my sentiments, and partly because I wish no longer to trespass upon your patience.

Mr. W. S. O'BRIEN. — Sir, during the last Session of Parliament, when the Noble Lord the Home Secretary brought forward his resolutions relative to the affairs of Canada, I felt it my duty to vote with the minority who opposed those resolutions; and I believe that I was present at every division. I opposed them because they seemed to me to be founded upon a line of policy which was neither wise nor just, and because I feared that they would goad into rebellion a people whose peaceful virtues and eminent loyalty have so often been in this House the theme of well-merited commendation. Looking to the events which have since taken place, I have never ceased to rejoice that I took this part, because, if I had supported those resolutions, I should have felt that I participated in the awful responsibility of having given occasion to the disastrous occurrences which seem to me to have sprung from their adoption. It will not, therefore, be supposed that, in supporting this Bill, I am animated by any unfriendly feeling towards the Canadians. In forming a decision as to the vote which I shall give upon the present occasion, the ruling motive by which I have been guided, has been a disposition to support whatever measures shall appear best calculated to prevent the shedding of blood, to restore tranquillity, and at the earliest possible moment to reinstate the Canadian people in the exercise of their constitutional rights. And I am bound to declare, that no course has suggested itself to my mind more conducive to these ends than that which has been proposed by the Noble Lord. I see in it a measure, not of coercion, but of conciliation. It is true, indeed, that the Bill before the House authorises the temporary suspension of the Canadian constitution, inasmuch as it dispenses with the necessity imposed by the Act of 1791 of convening, within a certain time, the provincial Parliament; but it is to be remarked, that it does not by any means prevent the Governor from calling together the Legislature of Lower Canada, in case the circumstances of the country shall appear to render such a meeting desirable. But, Sir, upon whatever party may rest the blame of past transactions, we are compelled to deal with these affairs according to the state in which we now find them; and no one can fail to perceive that the constitution of Lower Canada is, in the present circumstances of that country, at this moment virtually suspended. When we find that the inhabitants are in actual collision with her Majesty's troops, and with each other — that martial law is proclaimed — that the House of Assembly has voluntarily abdicated its functions, and that its principal members are under warrants of arrest upon charges of high treason, — it seems an idle delusion to expect that the ordinary course of peaceful government, through the provincial Legislature, can immediately resume its accustomed operation. The practical question, then, before us is, whether civil government of any kind shall be brought into action, or whether we shall leave the province under the operation of martial law. If we neglect at once to constitute an effective civil administration, we run the hazard of producing a state of things in which force alone shall prevail, — in which, society being resolved into its elements, each individual will feel himself justified in taking those measures which he thinks best calculated to secure his own protection, or to promote his personal advantage. We, in fact, surrender the dominion of affairs to associations of the same nature as the Doric Club, a support now much relied upon, but whose first operations were acts of open and illegal violence against the party opposed to them in the province. Under such circumstances, it seems to me an act of kindness towards the Canadians to entrust the administration of affairs to an able statesman, armed, indeed, with dictatorial powers, but deeply responsible for their judicious exercise to public opinion and to Parliament. And, Sir, I find in the character and political principles of the Earl of Durham an ample guarantee that, when order shall have been restored, all unnecessary severity will be avoided, and that in any new arrangements which may be made for remodelling the Canadian constitution, popular rights will be carefully respected. I would further observe, that the House of Assembly itself has repeatedly called for organic changes in the constitution of the province; and that, therefore, the present mission of Lord Durham may in some measure be considered as a provisional arrangement, to consider the best mode of carrying into effect such changes as shall be found to satisfy the just expectations of the parties interested. It is upon these grounds that I feel myself justified in supporting a measure which wears somewhat the character of an act of despotism.

But, Sir, a Member of the British Parliament appears to me, in the present conjuncture, to perform but half his duty when he comments upon the provisions of such a Bill as that now before the House. He is bound, it seems to me, to indicate to the Executive Government, and to the colonies, the spirit in which he thinks that such a measure should be carried into effect. And if the representations of so humble an individual as myself could have any weight with the House, I would add the strongest expression of opinion that I can utter, in support of what I believe to be an almost unanimous feeling in favour of a general oblivion of the past. God knows, all parties have been sufficiently in the wrong to teach us mutual forbearance. I do not undertake to justify the insurgents; on the contrary, I am bound to declare that it does not appear to me that there was in the circumstances of Canada a sufficient justification for an appeal to rms; and he who, in a civil strife, first sheds human blood, renders himself amenable to the condemnation of mankind. This House, indeed, which has applauded the resistance of the Poles and of the Belgians, will not deny the right of the subject to resist in an extreme case of tyrannical oppression. But, in order to justify such resistance, the grievances of a people must be intolerable, all hope of redress by constitutional remonstrance must be extinguished, and there must be such an unanimity among the sufferers, as to render probable the success of an appeal to the last resort without an unnecessary effusion of blood. I find none of these characteristics in the present insurrection in Canada; on the contrary, I feel persuaded that, if the Canadians had continued to resist the invasion of their rights by the same constitutional means which they heretofore employed, their demands, so far as they were founded on reason and justice, would have been speedily conceded. They would, in such case, have enlisted in their favour the sympathies of the friends of liberal government in every part of the world. These sympathies, by their untimely appeal to arms, they have now forfeited.

But in condemning the insurgents, let us not forget that there are other parties to whom also blame is to be awarded. Separating the proceedings of the House of Assembly from the insane undertakings of the insurgents, I feel persuaded that by the impartial verdict of history, when the passions and prejudices of the hour are at rest, the character of our whole colonial policy will be condemned, whilst the representatives of the Canadian people will stand acquitted of presumption or extravagance in their demands. Retrace the successive complaints which they have brought before the Imperial Legislature, and you will find that even already the propriety of their remonstrances, and the reasonableness of their requests, have been in almost every instance universally admitted. These topics have been brought so repeatedly before the House in this discussion, that I will do no more for the purpose of sustaining my argument, than recapitulate the measures for which the House of Assembly has contended, and which, though successively contested by our colonial administration, have at length been acknowledged justly to deserve the sanction of our approbation. And it is painful here to remark, that though the principle of these measures has been conceded, yet by the petty obstructions interposed at home and in the colonies, they have not yet been carried into practical effect, so that abuses, now on all hands disavowed, have continued to operate with all the vexatious irritation of grievances unredressed. Foremost among the claims of the House of Assembly has been their demand, that as the representatives of the Canadian people, they should possess a control over all the public revenues of the province. This claim, long resisted by the Colonial Office, has been declared by your own resolution of last year, to be no unjustifiable pretension. Next in this enumeration, is their demand that the judges should, as in England, be rendered independent of the Crown, and that a Court should be constituted for the trial of impeachments. No voice is now raised to deny the propriety of this request. Third, in the catalogue of useful measures suggested by the House of Assembly, but contested by the Colonial Office until they were driven into concession by the reasonableness of the demand, I would mention the accountability of public officers, from whose default or delinquency the province has suffered, at no distant period, so severely. Fourthly, the application of the Jesuits' estates to the purposes of general education: propriety of this measure conceded. Fifthly, The sale of the crown and clergy reserves in abandonment of a scheme, the effect of which was to prevent, in a high degree, the settlement of emigrants, an object to which it is as confidently as it is unjustly alleged that the House of Assembly and the French Canadians are from sinister interests vehemently opposed. I now come to a subject much dwelt upon in all the representations of the House of Assembly, I mean the propriety of repealing the Canada Tenures Act. By this enactment of the Imperial Parliament, the whole law of real property in Lower Canada has been thrown into inextricable confusion. This grievance, not hitherto redressed, is yet of such a nature, that there is no Member in this House who will now stand up and say, that Parliament ought ever to have intermeddled with a question affecting such important interests, and in reference to which there were not in the House at the time that this Act was passed, and I believe sincerely that the same is the case at present, five Members who understood sufficiently the nature and the incidents of the feudal law of real property which prevails in Lower Canada, to be able to judge of the bearing and operation of this statute. Next in the list, is the abolition of the Court of Escheats, and of other sinecure offices in the province: admitted to be just, and at length conceded. I pass over the various useful measures which, after their adoption by the House of Assembly, were rejected by the Legislative Council of Lower Canada, and proceed to consider the remaining demands of the Assembly, the propriety of which has by some been deemed doubtful. The House of Assembly has repeatedly demanded the annulment of the charter granted to the Land Company. Parliament, in my opinion wisely, has determined not to cancel an agreement made by the Crown with this company, under the sanction of an Act of both Houses of the British Legislature; an agreement to enter into which the Crown was beyond question legally entitled. I may here state, that the formation of such companies in the settlement of new colonies, appears to me the most effective instrument for conducting the settlement of emigrants under the most advantageous circumstances, and of introducing British capital into beneficial action in the colonies. But although nothing would justify the abrogation of this charter by Parliament, to the injury of those private parties who have invested their capital upon the faith of this arrangement, yet no one will say that if such a proposition were again to be brought under the consideration of Government, it would be wise or politic to alienate above a million acres of land in the province, without the concurrence of the colonial legislature. The House of Assembly naturally felt irritated on finding that they were not consulted in a matter so deeply affecting the domestic concerns of the province, more especially as it would have been in their power to suggest various checks and limitations which would have neutralised the objections which may be urged to the surrender of such immense tracts into the hands of a single company. Having, from the first objected to an arrangement made under such circumstances, it is not surprising that they should persevere in such objection, and that they should class amongst their grievances this impolitic neglect of the respect and confidence to which, in regard of a concern of this nature, they naturally felt themselves entitled. The next demand of the House of Assembly, which by some is deemed questionable, is that the Executive Council should be made reponsible to the provincial Parliament. It is to be observed, that they have never yet distinctly intimated the specific mode in which that responsibility ought to be secured; but your own resolutions have declared that it is highly desirable that the Executive Council should possess the full confidence of the provincial Legislature. There is little doubt that if such a character were given to this council, the expectations of the House of Assembly would be satisfied.

But in any case, there ought to be no objection frankly and unreservedly to invite the House of Assembly to declare their opinion as to the best mode of improving the executive administration of the colony, and, if possible, to give effect to their wishes upon the subject. To me it appears hardly possible that they could offer any scheme for its reform, which would not be more free from objection than that which, on the recommendation of the Canada commissioners, has been adopted by the Colonial Office: I mean the project of nominating as executive councillors, fifteen irresponsible individuals, and of allowing to each a salary of 100*l.* a year. You are desirous to maintain analogies between the constitution of Great Britain and that of Lower Canada; but as regards this department of the Government, I can discover no such analogy. The Executive Council, so constituted, does not resemble the Cabinet Council at home; it bears no resemblance to the Privy Council; it is neither responsible to the Colonial Legislature nor to the authorities at home. It can only serve as a screen to protect the acts of the Governor from due responsibility to both.

I now come to the great question at issue, respecting the constitution of the Legislative Council. In the resolutions of last year, you admitted that, as then composed, this body neither possessed nor deserved the confidence of the Canadian people. No one who listened to the able argument of Mr. Roebuck at the bar of this House, and who has traced the conduct of the Assembly, with respect to this question, through the history of these proceedings, can have failed to conclude that if a character of confidence had been imparted to it, and if its composition had been rendered unexceptionable as an instrument of good government, no objection of a merely theoretical nature would have been raised against it; nor would it have been deemed a matter worth contention, whether it should derive its existence from the nomination of the Crown or the election of the people. The Legislative Council was, originally, framed to serve as a counterpart to the House of Lords. It was not, at that time, seen that there did not exist, in Lower Canada, the materials for constituting a body that could bear any comparison to the Upper House of Parliament. In analysing its composition, we find that its members have possessed no extraordinary titles to the respect of their fellow colonists, either upon the grounds of rank or station, or wealth or character. It has consisted of officials immediately dependent upon the Government, or of petty oligarchs, some of whom were men bankrupt in fortune and broken in character. In looking over the papers which bear upon this subject, I have been much struck by a Return made to this House in the year 1830, exhibiting the composition of the Legislative Council as it stood at the close of 1829,—one year after the Canada Committee of 1828 had recommended that its composition should be so essentially changed as to give it a character of independence, and to place it in harmony with the other branch of the Legislature. I find that, at that period, out of twenty-three members, one of whom had, for many years, been absent from the province, not less than twelve were immediately dependant upon Government. In another point of view, its composition was equally exceptionable. Though the great bulk of the Canadian population belongs to the Catholic persuasion, above two thirds of its members were Protestants, there being sixteen Protestant members and only seven Catholics; and of the whole body, only eight, or about one third, were native Canadians. The same Return shows that, in the Executive Council, which then consisted of nine members, only two were natives of the Canadas, and eight, out of the nine, were Protestants. I would ask, whether it is natural to suppose that a body so constituted could enjoy the confidence of the Canadian people as a constituent branch of their Legislature. It was not, however, until upon an enlargement of its numbers they found that the individuals who were added to it were almost exclusively selected from the party who opposed their wishes, that, as an ultimate remedy for its defects, they required that it should be rendered elective. What could be more natural than that, under the circumstances which I have described, they should look across the American border for an example; and that, finding in a neighbouring state a frame of legislative institutions which promoted the ends of good government and gave satisfaction to the people, they should desire to adopt such parts of those institutions as they deemed not inconsistent with their subjection to the Crown of England. They were the more impelled to pursue this course by the continued rejection, on the part of the Legislative Council, of every measure which they deemed calculated to promote the interests of their constituents. That this demand was not, as has been represented, a rash resolve, dictated by the caprice or self-interest of a few leading individuals, is best proved by the fact that, in the House of Assembly, consisting of eighty-eight members, only seven members were found to record their dissent to the address to the Crown voted in the year 1836, in which the demand for an elective Legislative Council formed the most prominent of the requests submitted by the Canadian people to the supreme authorities in Great Britain. Yet, notwithstanding this indication of an almost unanimous opinion, our colonial Government has endeavoured to sustain the wishes of this small minority, in opposition to the general feeling of the Canadian people. It is true, indeed, that in Canada, as in Ireland, there is a party who, having heretofore enjoyed a monopoly of power and of place, view with jealousy any proposal for admitting the great body of the Canadian people into a participation in these advantages. In Canada, as in Ireland, the war-cry of this party has been, that if you accede to the wishes of the House of Assembly, you will enable the French Canadian majority to oppress the British minority. That the ultra Tories in this House should support such a view of the case can excite no surprise; but that the Noble Lord who resists this doctrine so strenuously when applied to the reform of municipal corporations, and to other questions, in Ireland, and who even thinks it right to designate, with some severity, the whole body of the Conservative Protestants of Ireland as a "miserable monopolising minority," should apply such a different organ of vision to the affairs of Canada, appears to me entirely unaccountable. For my own part, I can scarcely conceive a case in which the interests of the majority of any people can be at variance with the interests of the minority: and if we are to legislate upon the possibility of such an occurrence, we impugn the essential principles upon which all free institutions are founded; for it is in the very essence of a representative system that the wishes and opinions of the majority should prevail over those of the minority. If, therefore, you are afraid to confide the interests of the British minority to the care of persons chosen by the Canadian people in one branch of the Legislature, you are equally bound to protect them in the other. Acting upon such a principle, you are bound, in consistency, to abrogate the functions confided to the House of Assembly by the Act of 1791, for you can apply to Canada no scheme of representation by which you can give to the British settlers, composing about one-fourth of the population, predominance, or even equality, with the majority, who consist of Canadians of French origin.

To proceed with the history of these transactions. The House of Assembly, thinking it useless to continue their legislative labours until a new system of government was adopted, and hopeless of obtaining redress of grievances by simple petition and remonstrance, betook themselves to their ultimate resource, and refused to grant the supplies, except upon the condition that their demands should be conceded. Whether, in so doing, they acted wisely or not, is not now the question; but no one will affirm that they went beyond the acknowledged exercise of their constitutional privileges. Their control over the finances of the colony was expressly accorded for the purpose of enabling them to apply an effective instrument to the correction of abuses. But the Noble Lord, instead of acceding to the wishes of the Canadian people, thus legitimately declared, came down to Parliament last year with a proposal to violate the Constitutional Act of 1791, and to take the revenues of the province out of the Canadian treasury, without the consent of the representatives of the people. And such infatuation has there been in our mode of dealing with this colony, that the House of Assembly were called together for the purpose of inviting them to acquiesce in the coercive part of the resolutions, before those parts which were of a conciliatory nature were carried into effect; nor was it until within a few days of the explosion of the insurrection, that the improvements in the composition of the Legislative and Executive Councils which had been recommended by the British Parliament, were announced to the exasperated Canadians. That these resolutions should excite the indignation of the Canadian people was the certain consequence of their adoption. Meetings were held throughout the province, and strong language was employed; but language scarcely less strong has often been used in this country; and when the people of Birmingham, at the time of the discussions on the Reform Bill, in the year 1831, gave expression to their feelings in a scarcely less menacing tone, the Noble Lord told them that their voice ought to prevail over the "whisper of a faction." In Canada, as well as at Birmingham, the complaints and wishes of the people ought to be treated with respect. But instead of endeavouring to soothe their exasperated feelings, Lord Gosford deprives of their commissions the magistrates and militia officers who had attended these meetings. There is one proceeding related in these despatches, which strikingly indicates the degree of irritation into which the official authorities in Canada allowed themselves to be betrayed. I allude to the prosecution of Mr. Duchénois, for tearing one of the proclamations issued by the Governor. The grand jury of Montreal, as the grand jury of Middlesex would have done, ignored the bill. Instead of making allowance for the excitation under which this individual had committed an offence of no very heinous nature, and acquiescing in the opinion of the grand jury, the Attorney General institutes an *ex officio* information, and thus the extreme power of the law, which ought only to have been employed against crimes of the gravest nature, was exposed to derision and contempt, by being brought into action on so trivial an accusation. At the same time, warrants of arrest were issued against many of the most respected leaders of the Canadian people, upon charges of high treason,— charges which, as regards a great portion of them, I sincerely believe to rest upon no solid foundation, as far, at least, as we can judge by the official documents submitted to this House. What followed we all know and deplore. The inconsiderate peasantry madly betook themselves to arms, only to learn the folly of measuring their strength with the power of England. But if they have erred, heavy indeed has been the penalty attendant upon their crime; and their villages in flames or in ruins—their leaders in exile or in prison—attest that the Majesty of England has been sufficiently vindicated. I have taken this brief retrospect of Canadian affairs for the double purpose of guarding myself from its being supposed that in supporting this Bill, I concur with the Noble Lord in his denunciations against the House of Assembly; and of deducing from these sad events the conclusion, that it is alike wise, and just, and humane, to proclaim, at the earliest possible moment, a general *amnesty*, and an entire oblivion of the past.

But, turning from the past, let us indulge in more pleasing anticipations for the future, and instead of making party speeches to show that this Ministry or that Ministry have been to blame, or casting undeserved aspersions upon the Canadian people, it is fitting that the statesmen of Great Britain should betake themselves to the task of considering in what manner the recurrence of these disasters may be prevented, and new guarantees may be framed for the existence of tranquillity, contentment, and order in our North American provinces. It is for the representatives of the British people, in the present crisis, to offer those opinions, which their own experience of free institutions may supply, in the way of suggestion and advice, not of dictation to our fellow-subjects in America, as to the most eligible mode of remodelling their constitution. Among the few speeches in this debate, in which there has been an expanded reference to the principles upon which colonies should be governed, that of the Member for Bridport appears to me the most striking. The Honourable Member has boldly invited the House to coincide with him in opinion, that colonies are, under all circumstances, an incumbrance to this country; and that, therefore, no time ought to be lost in proclaiming their independence. Now, Sir, however fashionable this doctrine may be amongst a certain set of politicians, I trust it is an opinion to which this House will never accede. It is true, indeed, that colonies, if misgoverned, become not only useless, but burdensome; and when the estimates are brought forward for the present year, we shall be made to feel, in a tangible manner, how expensive has been our misgovernment of Canada. But surely it is not an incident unavoidably attached to the possession of colonies, that they should be badly governed; and when placed under a paternal management, it seems to me that our colonies form the surest basis upon which Great Britain can rest her political power, and commercial greatness. The extension of colonial dominion is, indeed, an object in which even the humblest individual in this country—nay, the poorest peasant in Ireland—has a deep personal concern. For, whereas at home he finds every acre of land already appropriated, and every channel of trade exhausted by competition, in the colonies there is open to him and to his children a boundless field for their industry and enterprise. It has always seemed to me that there is no aspect under which an inhabitant of the United Kingdom may, with more just pride, contemplate the grandeur of his country, than in viewing her as the parent of mighty nations,—establishing in every clime, the houses of the happy and the free; and transplanting the scions of the British oak into the remotest regions of the earth. And with respect to the policy which ought to guide us in the government of our colonies, it seems to me, that when once you have cast aside the suggestions of a short-sighted self-interest, and the wretched scheming for official patronage, nothing can be more simple in its principle, or more unerring in its operation: it is dictated by nature, in the relation of parent to child. With the colony, as with the child, you nurse and foster its infant existence; you guide, protect, restrain; but when either has arrived at maturity, you leave to the full-grown competence of manhood the freest scope for independent action, and substitute a connection based upon affection and respect, for the dependence occasioned by the weakness of the one, and the superiority of the other. To avoid, then, all unnecessary interference in their domestic concerns, and to interpose the paramount authority of metropolitan dominion only when you are invited to it by the colony, or when the essential interests of the empire require such interference, ought to be the leading principle of your colonial policy. Applying these principles to the Canadas, we can scarcely fail to arrive at the conclusion that the time has come, when they ought to be left as much as possible to the operation of self-government; and the only question for us now to determine is, in what manner this principle of self-government can be brought into the most beneficial action. Two projects offer themselves for our consideration: the one, a federative union between all the provinces of British North America; the other, a re-union of the two Canadas. The former of these plans, which has been hinted at by the Noble Lord, is, undoubtedly, in appearance, most imposing; and if it should be desired by all the provinces, it appears wholly unobjectionable. But doubting whether there exists such geographical proximity or such affinity of interests and feeling, between the Canadas and the lower provinces of New Brunswick, Nova Scotia, Prince Edward's Island, and Newfoundland, as would render such an union acceptable to all parties; I am inclined to think that these minor provinces would prefer their present dependent connection with Great Britain, to their admission into such a confederation. The arguments in favour of the re-union of the two Canadas, appear to me to be altogether unanswerable. As regards Lower Canada, it is almost hopeless to expect, that, after the events that have recently occurred, in which one portion of the population has been placed in hostile array against the other, and in which the representation of the Canadian people have perseveringly maintained views so diametrically opposite to those of the Government, with respect to the essential interests of the province, that harmony or a good understanding can be speedily restored between these contending elements. But, independently of these considerations, it is impossible to look forward to the continuance of a separate Government in the two provinces, without perceiving that there exist between them occasions of perpetual discord. The questions connected with the navigation of the river St. Lawrence will continue to be, as they have already been, subjects of constant dispute. In both provinces, it is felt that the easiest mode of raising a revenue for general purposes, is by the imposition of duties upon the merchandise imported into the St. Lawrence; but differences will almost unavoidably occur in determining the proportions in which this revenue shall be appropriated between the two provinces. So strongly, indeed, have the inconveniences arising out of this question been already felt by the inhabitants of Upper Canada, and of such importance to their interests do they consider the free navigation of the St. Lawrence, that they have already demanded the annexation of the island of Montreal to the Upper province. All these difficulties would be obviated by the re-union of the two Canadas. The objection founded upon the great geographical extent of territory which would be embraced within such an united province, and the consequent inconvenience of referring to a central administration, the local concerns of districts so remote, might be obviated by giving to each separate district a municipal organisation, by which they might be empowered to assess themselves for local perposes, leaving the duty of general legislation to the representatives of the whole province, assembled at some central point. But whatever arrangement may be adopted, as the result of Lord Durham's mission, I trust that this country will for ever abandon all unnecessary intervention in the domestic concerns of these colonies; and that we shall accommodate their new constitution, to the wishes and feelings of their inhabitants. If they demand anything which may appear unsuited to our views, it is to be remembered that it will be they, and not we, who will suffer from the inconvenience which may result from its adoption. If, therefore, they desire an elective Legislative Council, let it be granted; if a responsible Executive, let it be conceded. It is better to give cheerfully that which cannot be safely withheld; and be assured, that if we do not surrender the principle of interference in the outset, the same struggle for legislative independence which agitated Ireland to its centre, during the last century, will be revived, with the same results, in our North American colonies. Be not deterred, then, by vain analogies, founded upon the institutions of Great Britain. It is in the very essence of the British constitution, that it should accommodate the government of its dependencies to the circumstances and feelings of the different nations which acknowledge its paramount dominion. What can be more anomalous than that the government of India should be confided to a company of merchants, established in the city of London. And if these homely citizens are found competent to direct the affairs of our eastern empire, with its hundred millions of inhabitants, shall it be said that our fellow-subjects in America, accustomed to the enjoyment of the same free institutions as ourselves, are disqualified for the task of self-government?

I feel that I have trespassed too long upon the attention of the House; but I have felt in this subject more than ordinary interest, not only on account of its own intrinsic magnitude and importance, but because of the similarity which in many respects exists between the circumstances of Lower Canada and of my own country. Addressing myself to the powerful party who sit on the opposite benches, I would intreat of them to be induced, by the painful events which have taken place in Canada, to listen in time to the complaints of the people of Ireland. It is true, indeed, that there are in this House, as in Ireland, a few who, taking what I was sorry to hear the Right Honourable Baronet the Member for Tamworth call "an enlarged and comprehensive view of this question," though he, himself, disavowed the sentiment, rejoice in the outbreak which has taken place in Canada, as calculated to produce that reaction against popular rights which always follows an unsuccessful revolt. To such I would say — *Eventus stultorum magister*. Happily, the insurrection appears to have been quelled, but a mere chance might have produced a very different result. If but an inconsiderable fragment of the inhabitants of Upper Canada had joined the insurgent leaders, Toronto would have been taken, insurrection in the lower province would have become universal, and instead of, as at this moment, sending out troops, we should before now have thought it politic to negotiate. For we know that there are not wanting abundance of restless and fervent spirits, who, animated by the hope of plunder or of glory, would have thrown themselves into the ranks of the insurgents upon the first symptom of success. Upon the side of the United States nothing is secure. It was to be expected, indeed, that the American Government should, by a declaration of neutrality, avoid compromising themselves with Great Britain at the risk of a war; but it cannot be doubted, that the sympathies of the American population are enlisted in favour of those who are contending for institutions kindred to their own. And under such circumstances, whatever might be the disposition of the American Government, neutrality could not long be preserved. Nor must we forget that the navigation of the St. Lawrence is an object on which the United States have already frequently cast a wistful eye. In Europe there is nothing to cheer us in such a struggle. It was stated a few days ago in this House, and not denied by the Foreign Secretary, that Russia could send to the mouth of the Thames a fleet which the present state of our navy would not enable us to match. If the revolt in Canada wore even the appearance of success, that fleet would ride in the English Channel. At home, you have left Ireland discontented, because aggrieved. In such a contingency, therefore, the position of England would be far from enviable. But with the great majority of this House, it is not necessary to appeal to such reflections. As friends of humanity, they deeply deplore the occurrences which have taken place in Canada; and if they could have been averted by any concessions not inconsistent with the essential interests of the empire, I doubt not, they are of opinion, that those concessions ought to have been made. Such persons I would remind, that the grievances of Ireland are in magnitude as great, in character more galling, because accompanied by circumstances of insult and contempt. In Ireland the same attempt has been made, as in Canada, to govern the people through the minority, for the interests of the minority, against the feelings and the interests of the great body of the population. It is true, indeed, that there never was a period in which the Irish people were so much disposed as at the present moment to surrender themselves to the impulses of an almost chivalrous loyalty, whether in reliance upon an Executive Government which possesses their entire confidence, or in anticipation of happier days under the auspices of a favourite Queen; but there never was a period in which they were more firmly determined to enter into a fraternal union with this country, — only upon the terms of perfect equality. I say nothing in the way of menace, but as one of the representatives of the Irish people, I feel it my duty to tell you that I foresee occurrences not less disastrous, attended perhaps by a different result, if you shall continue to deny in Ireland compliance with the claims of reason and of justice. I rejoice in the success of the Queen's troops in Canada, because I cannot justify the insurrection; but I rejoice in it chiefly because it enables Great Britain to concede with grace and dignity, what under other circumstances she must have yielded to fear and to force. This, then, is the favourable moment, the golden opportunity, and I would implore you to avail yourselves of it, by earnestly and sincerely applying yourselves to the redress of grievances, whether they exist in Canada or in Ireland. I would implore you to justify and fulfil those aspirations of hope, which from every portion of the British empire hailed the accession of our present Sovereign to the throne, that the mildness of her sex, and the virtues of her character, would impart their benignant influence to the spirit of her Government, and that her reign might stand forth in the gloomy annals of history pre-eminent in brightness, as the reign of mercy, justice, and peace.

Mr. WILLIAMS. — Feeling, Sir, that this is a question of the utmost importance, I am desirous of stating the reasons which will influence my vote upon this question. I am the more induced to trespass shortly upon the House, on this occasion, inasmuch as I have not hitherto taken any part in the various discussions which have taken place on this subject. I regret to say, that I feel it my duty to oppose the measure which her Majesty's Government have proposed to the House, and I do so upon the ground that it involves a principle contrary to the feelings and opinions of the Canadian people. I have always considered that the resolutions that were passed last Session by the British Parliament, to enable the Governor to take forcibly from the people and appropriate the public funds of the colony, without the consent of the House of Assembly, was a direct violation of their constitution. I believe that the suspension of the constitution will tend only to increase the discontent which already prevails, and will produce a most prejudicial effect on the minds of those persons who have not already expressed themselves favourable to the proceedings which have been adopted by the more violent party. We find, Sir, that when Lord North submitted his resolutions to the Parliament, with respect to those North American colonies which now constitute the United States of America, he stated, "that only one province had manifested any ill feeling." The effect of those celebrated resolutions, however, so proposed to the Legislature, was a separation between the mother country and her colonies, and produced mighty consequences to both countries. That motion passed in 1775, and was received in America in the March following. By the middle of April the whole of the provinces were in open revolution, and had distinctly declared their intention to separate. It was stated, on that occasion, that the majority of the people were anxious to continue the connection with this country, and that they would not swerve from their allegiance. Yet, by the resolutions I have adverted to, they were driven to rebellion; the battle of Lexington was fought, and in a short time they became free. It is because I fear such consequences in the present instance, that I deprecate the coercive policy that the Government have adopted. I have heard no sufficient reason for the suspension of the constitution of Canada. I believe such an act will produce so much enmity and so much hatred in the minds of the colonists against the mother country, that they will seize the first favourable opportunity to shake off our yoke. The only reason that could at all justify such a step is, that the local Acts which are about to expire may not be renewed. I can see no difficulty on that head. It would be easy, I think, to devise means for obviating that inconvenience. While I think that we ought to adopt the most efficient means of settling the present differences, I cannot agree with many Honourable Members on this side of the House, that the interests of the two countries would be best consulted by separation. If a separation were to take place now, I consider that, from the strong feeling of animosity which is entertained by the Canadians against this country, the consequence would be, that the Canadas would become a part of the United States at once; and as that country is already so powerful, I think it would not be to the interest of this empire to contribute an already large extent of territory by this means. I believe the present proceedings are looked upon by the United States with much anxiety; and I believe that the Government of that country are making preparations to meet any exigency that may arise. This opinion is confirmed by the message from the American President to Congress, which message I have read through with much attention. I will read a passage or two to the House.

> In periods of danger and alarm, we must rely principally upon a well-organised military; and some general arrangement that will render this description of force more efficient, has long been a subject of anxious solicitude.

And he says: —

> I invite your attention to the plan which will be submitted by the Secretary of War for organisation of volunteer corps, and the instruction of militia officers.

Then he recommends also an increase of the corps of military and topographical engineers. He also recommends an increase in the time of the service of cadets, from five to seven years, and that the terms of the engagement should be strictly enforced. Another passage runs thus: —

> The creation of a national foundry for cannon to be common to the service of the army and navy of the United States, has been heretofore recommended, and appears to be required in order to place our ordnance on an equal footing with that of other countries, and to enable that branch of the service to control the prices, and graduate the supplies to the wants of the Government, as well as to regulate their quality and ensure their uniformity. The same reasons induce me to recommend the erection of a manufactory of gunpowder, to be under the direction of the Ordnance Office. The establishment of a manufactory for small arms west of the Alleghany Mountains, upon the plan proposed by the Secretary of War, will contribute to extend, throughout that country, the improvements which exist in establishments of a similar description in the Atlantic States, and tend to a much more economical distribution of the armament required in the western portion of the Union.

Now, Sir, I have never seen, of late years, such strong recommendations of preparation for war in the message of any President of the United States; and when we come to consider the great advantages which that country would derive from the acquisition of these provinces, we cannot but look with some degree of suspicion upon the recommendations of the American President to the Parliament of that country. If we were to lose the Canadas, there can be no doubt that New Brunswick, Nova Scotia, and the islands in the gulph of St. Lawrence, would follow as a matter of course; and the United States would gain an increase of territory to the extent of some 1500 miles of coast. Now, Sir, I would say that these are matters which deserve to be considered with much circumspection. Suppose, with such a state of circumstances, a war should break out between this country and the United States, we should have no resting-place on any part of that coast; our ships would have no harbour to retire to in bad weather or to refit. Sir, I think these reasons are sufficient to induce us to adopt measures for a satisfactory settlement of this question as soon as possible, and that we should continue the connection, having regard for the interests of the colony as well as our own. We can only continue that connection with advantage, by showing a disposition to do justice to the colonists, to remedy their evils, and to redress all their grievances. If we suspend the constitution, without just grounds, we shall be guilty of an act of injustice and ingratitude. Could we make a more ungrateful return to the people of Canada for the noble manner in which they assisted us during the American War? Now, Sir, although the Noble Lord is about to send out the Earl of Durham as a pacificator, I much fear that, if he goes armed with this Bill, he will fail to bring about that amicable settlement which is so much to be desired. I much fear that, armed with such powers, the Noble Earl will fail to bring about that good feeling which is so necessary for the continuance of the connection between the two countries. What do the Canadian people ask? An elective Legislative Council. Now, what difference could it make to this country if the council were elective? What loss would be sustained by this concession? I know of none. It is very natural that people would be dissatisfied when they found the Council, as now constituted, acting in direct contradiction to that branch of the Legislature which represents their interests and opinions. I really am at a loss to know why we should exasperate the people of that country, when the matter in dispute is one not worth our contending for. I certainly approve of the mode proposed, — if this Bill is to be passed, — for carrying it into execution. Twenty persons are to be elected by the people, to legislate for their interests. I believe that, if it were proposed to vest the legislative functions wholly in the hands of persons unacquainted with the country, the entire scheme would entirely fail. I feel called upon to say this much, although I cannot support the measure generally. I do not think that it consults, sufficiently, the feelings of the people; and though it may have the effect of putting down the insurrection, and producing quiet, for the present, I cannot think that it will be ultimately successful.

Mr. E. L. BULWER. — I thank the Government, as an Englishman (feeling, as I do, a warm desire for the honour and the power of England paramount to all party considerations), for their determination to uphold the integrity of the empire, and the maintenance of the laws. I thank them scarcely less, as a friend to a liberal and popular policy, for their declared resolution to redress the grievances of Canada, and to restore to her, as speedily as possibly, the blessings of a free constitution. The Government has been assailed by a variety of arguments, as singular and incongruous as any that the invention of an Opposition ever conceived. The Honourable Member for Droitwich, who spoke with much ability last night, wound up his peroration by declaring, that for the Canadian insurrection — the loss of property — the effusion of blood, — the Government were deeply responsible: and, as far as I could gather from the Honourable Member's speech, the main argument on which he rested so grave a charge, and on which he expatiated for a quarter of an hour, regarded the hesitation of the Government about the bishoprick of Quebec, and the inadequate salary of that unfortunate prelate. Then the Noble Lord, the Member for South Lancashire, who, not more from his station than from his acquirements, and the dignified tone of moderation he ever assumes, is always so welcome an ornament to our debates, after first blaming the measures of Lord Gosford, most curiously complained that Lord Gosford was removed; and here he fell upon a very original argument. "The most proper man," said he, "for coercion, is the man who has tried conciliation in vain;" in other words, the best person to carry out one line of policy, is the man who is most pledged to another. This may be very philosophical, but it is against the universal practice of parties. If it be true in one case, it is true in the other. If he who had tried concession was the best for resistance, he who had tried resistance was the best for concession; and yet so little did the Right Honourable Baronet the Member for Tamworth act up to this policy of sagacious tergiversation, that after he had exhausted all the arts of resistance to the Reform Bill, he refused, when the Duke of Wellington meditated to supersede Lord Grey's Government, to have recourse to that concession for which his previous resistance had, according to the Noble Lord's theory, so eminently qualified him. The speech of the learned gentleman we have heard at the bar has been characterised as effective and unanswerable. The learned gentleman, no doubt, made the most of his case; but I must say that, considering the flourish of trumpets with which he was announced,— considering the solemn menaces of proving high crimes and misdemeanours against the Government, — considering the length and elaborate bitterness of his oration,—I must say that I never knew a speech of so formidable an exordium arrive at more feeble and impotent conclusions. I pass over the learned gentleman's long historical recapitulation, which had no more to do with the Bill before the House, than a history of the Deluge would have to do with a Bill to guard against the overflow of the River St. Lawrence. The main object of the learned gentleman was to show that there still exist grievances among the Canadians. Unquestionably there do; and this House would now be examining these grievances, if the party the learned gentleman defended had not converted a petition into a declaration of war. The learned gentleman next wished to prove, because we acknowledged the grievance of, and especially the expediency of reforming the Legislative Council, that we, therefore, justified the stubborn resistance of the Lower House of Assembly, and almost, likewise, justified the revolt. It was exactly the reverse. When we allowed the grievance, — when we declared we would redress it, — when the leader of this House, on the 14th of June last, declared his willingness to listen to authorised proposals of compromise, we took away all excuse for the Lower Assembly, and all palliation for a gratuitous revolt.

We are told that this Bill, this suspension of the constitution, is nothing but punishment and coercion. But, taking the Bill in connection with the speeches that explain it, I must say that I see, in the whole measure, the mildest and most generous policy ever pursued by a Government towards disaffection, or by a conqueror towards defeated opponents. In the first place, there is a general amnesty to all offenders; in the second place, there is not only a promise, but a provision, for a free and reformed constitution; and, as a pledge of the hearty sincerity and good faith of the Government, the measures of reform, the policy that is to put down discontent, are entrusted—to whom? To a military chief? — to a lover of arbitrary power? No; to a man whose whole life has been devoted to the enforcement of principles the most popular, and whose name is identified, not with coercion to the popular will, but with concession to popular grievances. In the principles of that Noble

Lord, the Government and people of this country and of Canada have an earnest of intentions the most generous; and, in the peculiar talents of that Noble Lord, — his long civil and legislative experience, his singleness of purpose, his enlarged, vigorous, and commanding intellect, — they have every ground of reasonable hope that those intentions will be carried triumphantly into effect. I cannot but admire the sacrifice of self, which has induced the Noble Lord to accept this office. It is a sacrifice — it is honourable exile — it is a great sacrifice for a man in the high station of that Noble Lord. Nor can he be actuated by any ambition but that of serving his country where that country most needs his services; not as a dictator and a despot, but a reformer, a pacificator, and a framer of wise laws and enlightened institutions. But the constitution is to be suspended! And who are they who complain of this suspension? Why, the very men who have told us for years that the constitution cannot work, — that the constitution is the worst grievance of the Canadians,—that it is powerless for good, and only a legitimate obstacle to the popular demands, — the very men who have called upon us, not to suspend, but to overthrow that constitution. For the Legislative Council, which they asked the House to sweep away, is precisely as integral and fundamental a part of the constitution as the Lower Assembly, whose functions it is proposed to suspend. But the constitution was virtually suspended when, for nearly four years, the Lower Assembly itself stopped all supplies even for the most urgent wants which any community redeemed from barbarism could require.

[Cries of "No, no!" "Yes!"]

They stopped the payment of the police and the judges, or, in other words, the expenses necessary for the maintenance of order and the dispensation of justice. It was virtually suspended when the Lower Assembly demanded, as the price of allegiance to the mother country, a new constitution altogether. It was suspended when it was found that all the wheels of legislation were locked, and that the Lower Assembly and the Legislative Council would not, or could not, act together. It was annihilated, — a dead letter, — a *caput mortuum*, — the moment that a civil war commenced. The constitution is to be now suspended. But for what purpose? Why, in order to reform it. Who, by the Bill, are to be the advisers and coadjutors of Lord Durham? Foreigners, — natives of the mother country, — men anxious only for her supremacy and selfish interests? No, Canadians themselves, the majority of them delegates of the people, — authorised and responsible organs of their complaints and desires. Why, this committee, proposed by my Noble Friend, is exactly the course, not that a colony, but a free republic, would adopt, if it seriously designed an entire reform of its constitution. This Bill may fail, — the mother country may be deceived; but, if so, it will be by the liberality, the confidence, and not by the severity and distrust, of the parent state. It is for the Canadians to decide whether it shall stand forth to posterity as an example of the wisdom of a lenient and generous colonial policy; or whether it shall be, by that failure, an encouragement to the sterner measures which I believe every other country in Europe would have adopted to a disaffected province and a defeated enemy. I thank the Government for this Bill. I go farther. I thank them, also, for their whole conduct to Canada since the passing of the resolutions last Session. I thank them for not having sent out troops as the accompaniment to those resolutions. The Right Honourable Baronet blamed them, the other night, for not having done so. Against the opinion of the Right Honourable Baronet, I call into court the opinion of the Noble Duke, the leader of his party in the other House.

[Cries of "No, no!"]

What! is the Noble Duke no longer the head of the party?

[Cries of "Hear, hear!" and cheers.

Yes, the Noble Duke has acquitted the Government on this head; and who, in that House, is the solitary accuser of the supineness and negligence of the Government? None of the Right Honourable Baronet's own party. No; but a Noble and Learned Lord, who, after coquetting with all parties, seems now about to throw —

The SPEAKER. — Order, order!

Mr. E. L. BULWER. — I will not press that point further; but, I will repeat, that I am glad that troops have not been sent out. It is something to have robbed revolt of all justification. Had you sent out troops as the heralds and carriers of your resolutions,—had you, by that parade of power, justly irritated the pride of men to whom you have communicated the jealous English spirit of liberty and honour, — you would not find, now, the patrons of M. Papineau confined, in this country, to a council of six,—you would have procured for them the popular sympathy of England; and, for my own part, instead of being the supporter of the Government, I should now have been their opponent. I do not blame the Government, for their not guarding against a violence which they had no right to anticipate, and which premature anticipation would have justified. The result has proved the wisdom, as well as generosity, of their policy. The forces have been sufficient for the safety of the colony. I equally commend the Government, now that the violence has broken out, for their vigorous exertions entirely to suppress and to guard against its recurrence. I will not enter into the premature and inexhaustible field of speculation which is opened to us, as to the future constitution of Canada. In that constitution, whatever it may be, I, for one, should hope that, if the English—or rather the commercial—interests were to be more banished from the Legislative Council, they would, by a better distribution of the suffrage, obtain a fair share of influence in the representative assembly. It this were done,—if, whenever, at some distant period, we may have to listen to any demands for a separation, we should feel sure that French and English are united in one common interest,—then, I confess, I should not object, if, by the popular principles of that constitution, the Canadas be educated to that safe and gradual independence which should be the last and crowning boon that a colony should receive from a parent state. But look to the views, the intelligence of the party deluded by M. Papineau. Fortunately, the merchants of England, whom the Honourable Member for London represents, knew that that party had professed the most benighted hostility to all the principles of commerce itself. But did the Honourable Member for Westminster, in his harangues at the Crown and Anchor,—did he tell his admiring audience what it was that the Papineau party were most wedded and attached to? Not to the great and wise institutions of this day, but to the worn out and obsolete customs and feudalisms of four centuries ago. And the Honourable Member for Bridport, and those who are called "philosophical Radicals——

[" Hear, hear!" and a laugh.]

those who would wisely proportion the extent of popular suffrage to the amount of popular education:—are they not aware that, till within the last seventy years, printing presses were forbidden in Canada; that, at this day, the vast majority of the electoral population can neither read nor write, and that it often happens that a foreman of a jury cannot give in the verdict from his inability to read it? Is this a colony fit for independence? Why, if it were a republic to-morrow, it would be a monster in legislation,—half jacobinism, half feudalism. The Noble Lord the Member for South Lancashire has said something relative to Whigs and Radicals, which induces me to make one more remark. I wish the House and the country to observe that it is the same small and isolated knot of gentlemen, who, on the first day of this Session, declared so much contempt for the Reform Bill, and so much hostility to the Government, who now differ also from the whole people of England in their sympathy for a guilty and absurd revolt. Whether those gentlemen call themselves Radicals or not, the great body of Liberal politicians agree with them neither in their policy for Canada nor their principles for England. As to the one case, whether Radicals or Tories, the vast majority of thinking men are equally zealous for the honour of England—equally concerned in her struggles—equally proud in her glory, or sorry for her reverses. As to the other, the Liberals of this House and country are resolved, it is true, to maintain and enforce their sentiments, whether differing from the Opposition or the Government; but they are resolved to do so without ingratitude for past popular concessions—without a bigoted rancour for honest differences of opinion; and they and the people of these realms cordially rejoice that this House supports her Majesty and her Ministers in this attempt to save Canada from the hell of her own factions, and to save the commencement of this reign from the contempt of Europe, and the melancholy and inauspicious restrospect of posterity.

MR. GROTE.—I scarcely, Sir, expected in a speech on the subject of a Bill form aking temporary provision for the government of Lower Canada, to have heard a general and an unmeasured denunciation dealt out by the Honourable Member for Lincoln against what he has been pleased to call a small body of Radicals. I cannot help thinking that the occasion taken for making that denunciation was as unseasonable as the tone of it was, in my opinion, undeserved, and improperly harsh and severe; and I also think that when the Honourable Gentleman condescended to ridicule my Honourable Friend the Member for Bridport for doing what he must have known my Honourable Friend had never done in his life — that is, call himself a philosophical Radical — the Honourable Gentleman might have recollected that the term "philosophical Radical" which he applied to my Honourable Friend was at least as respectable as that of "literary Whig," which might be applied to other Gentlemen in this House. I will now pass to the subject immediately before the House, and I am very sorry indeed that I cannot concur in those unmeasured expressions of gratitude in which the Honourable Member for Lincoln has indulged towards her Majesty's Government; neither can I concur with him in thanking them on account of the proposed treatment of the colony of Lower Canada, nor yet on account of their having sent out troops to that colony, nor yet on account of the Bill which I now hold in my hand. There is, indeed, one point on which I can express my satisfaction, and that is on the choice of Lord Durham as the Governor to be sent out to Canada; and I can also express my satisfaction at the announcement made of the intention of the Government to exercise clemency to those who had been engaged in the late revolt. With respect to those two points I perfectly concur with her Majesty's Government, and perfectly approve of their conduct. But it seems to me that when I have stated this, I have stated all the good that they at present propose to do; because I cannot consider that the Bill before the House is in the slightest degree calculated either to harmonise with or assist the effect of the really wise proceeding of sending out Lord Durham. The allegation upon which the necessity for this Bill is founded, — and most certainly, when we look at the enactments of the Bill, it ought to be well and sufficiently made out, — "that without it the House of Assembly cannot be assembled without serious detriment to the interests of the province," — I must say that that allegation, however emphatically asserted and laid down, has never been made out to my satisfaction. I do not see what harm the House of Assembly could do, if allowed to meet. I think there is every sort of chance that it may exhibit a much more harmonious and tractable spirit than it ever exhibited before. Give me leave to ask the Noble Lord how it was, that, when he sent out to the colony the announcement of the choice which he had made of gentlemen to fill the offices of legislative councillors, he contrived, either by accident or design, that the news of the appointment should not reach the colony before the meeting of the House of Assembly, on the 8th of December? Have you given that body a fair trial? Do you know what its sentiments would have been when the appointments were declared?

I have most carefully read the address which was agreed to by a majority of that House when it met, and also the amended address, which received the sanction of a large majority of that Assembly, and I find in each most remarkable internal evidence of a desire that such appointments should be made to the Legislative Council as would have permitted the Assembly to go on, at least for a time, in harmony with the Legislative Council; and I think that her Majesty's Ministers should have given a fair trial to the working of the Council with the new additions. If the experiment had failed, neither this country nor the colony would have been worse off; and if it had succeeded, Parliament would have been relieved from a serious difficulty, and from the necessity of imposing upon the colony a Bill which will not fail to produce a reluctant and irritated state of feeling througout the province. I can see no necessity, when the Government and the Parliament have recommended that amendments in some parts of the Canadian constitution should be carried into effect, why the existing constitution should be suspended. I think that Honourable Gentlemen who advocate this course of proceeding have not paid any attention to what has taken place in the United States, where conventions for the purpose of amending the constitution are of frequent occurrence, and where, because amendments are to be made, there is no interval without any constitution, but where the old constitution is allowed to go on till it is replaced by the amended one; and I cannot, for the life of me, understand, because the Government support amendment, why, therefore, it is necessary for the people of the colony to pass through a year of purgation before they enter into the happiness of their improved constitution. I do say, improve the constitution by all means, but keep all the powers of the old constitution and the rights of the people alive till the new system be introduced. But by far the most important view in which this subject can present itself to the consideration of the Parliament is, will it aid or embarrass the proceedings of Lord Durham? Honourable Gentlemen who have spoken on this subject seem to imagine that it will lighten the difficulties of their present situation; but I must confess that I entertain an entirely different opinion; for I conceive that it will add materially to the trouble of mastering the difficulties (and they are very considerable) which the Noble Lord (the Earl of Durham) will be called upon to surmount; and my opinion is founded on a deep consideration of the source of those difficulties, — the discontent and mistrust which exist in Canada: discontent at the past, and mistrust as to the future. And is it possible to conceive that the present Bill will not be received as an aggravation of that discontent and that mistrust? Let the House well consider that many moderate persons, who disapproved of the first proceedings of the local legislature, disapproved still more of the resolutions of the Noble Lord, and have since taken part with the opponents of Government in that colony; and ought we not to take warning from what has passed, and to take care that still further coercions do not alienate more of the moderate party? For if they disapproved so much of the Noble Lord's resolutions, what will they think of the present Bill, which destroys the constitution in all its parts, and which strikes dumb the whole province, by depriving it of the only legitimate source of making known its grievances? Will not discontent be thus aggravated? and when Lord Durham arrives in the colony, can you suppose that, with all his talents, and with all his character, he will be received with satisfaction and content by the people of Canada?

The success of Lord Durham's mission will mainly depend upon the opinion which the people will entertain of the intentions and the spirit with which he goes out. Now, there are only two sources on which the people can found their belief and their inference: one is the Bill which I now hold in my hand, and the other is the speech of the Noble Lord the Member for Stroud on the first night of the debate, when he introduced the Address to the Crown; and both the one and the other are calculated to lead to the belief and the inference that Lord Durham will go out animated by a spirit of rigour and coercion, and with little intention of administering that redress of grievances which is essential to the success of his mission. Honourable Gentlemen who support this Bill, seem to rely on the benefits to be derived from a disconnected convention which Lord Durham is to call together. But what does the Bill declare? Why, "that in the present state of the province of Lower Canada the House of Assembly of the said province cannot be called together," and it then forbids the Assembly to meet; and if they cannot be called together when they are designated the House of Assembly, how are the parties similarly chosen to meet when they possess merely the altered character of a convention of delegates? Because the present state of the province is such that the representatives of the people cannot meet, without danger, to discuss the condition of the province, they are not allowed to assemble; and this reason, if of any value, will apply equally to the convention of delegates; and if it does not apply, the assembly will not really be a convention representing the people. If you mean to succeed, you must endeavour to meet the wishes of the Canadians; you may, indeed, calculate upon keeping down insurrection by a large military force; you may calculate on having under your thumb several of the popular leaders, who may fear the exercise of the law; you may calculate on subduing for a time the opposition of the press; but I would ask Honourable Members if they can conceive a state in which the minds of the people will be more alive, and in which more discussion will arise, than when active measures are announced, on the authority of the Government, for making important amendments in the constitution of the country?

I have before expressed an opinion, which was not very favourably received in this House, but which I nevertheless sincerely entertain, that a separation between the colony and the mother country is the most desirable thing which can happen, both for the mother country and the colony. This is my opinion, however much it may differ from the sentiments of the House; and with a view to separation, I think that nothing is so likely to lead to that as this Bill, which, however, I view with great pain and regret, because I am anxious to keep alive the best feelings between the colony and the mother country; and when the Honourable Member for Lincoln states that he anticipates a junction with America, I must say that I entertain a different opinion: but still I think that nothing is more likely than the passing of measures of severity, — which would lead to an alienation of the feelings of the Canadians, and than a forced connection with this country, — to bring about a connection between the United States and Canada. It must be observed, also, that there is already the commencement of a feeling of sympathy, or an implied sympathy, between the people of the United States and the Canadas; and you should bear in mind, that when the proposed remedial measures shall have passed, the colonial convention, actuated by a colonial and American feeling, they would be submitted for approval to this House, which is impressed with other, and English, sentiments, and in which there exists a strong fear lest, if we implant the tree of liberty on the American shore, the westerly winds may, by accident, waft across the ocean some chance seeds which may flourish in this country. Such are the feelings and the fears which actuate Honourable Gentlemen in this country, and the contiguity of the Canadas to the borders of the United States naturally leads their people to participate, more or less, in American feeling and in American desires. And when the Honourable Member for Lincoln talks of the conciliation which he observed in the speech of the Noble Lord the Member for Stroud, I must confess that I do not recollect any such proposition; but I do recollect that the then Honourable Member for Bath proposed a principle of conciliation, which was distinctly rejected by the Noble Lord, who declared that he would not concede a Legislative Council, neither would he consent to abolish it, nor would he agree to its recomposition, with the view of rendering it more consonant with the feelings of the majority of the people. And if the Noble Lord would not concede this little measure, how can it be supposed that he entertains opinions favourable to a still larger? And I am led to despair of, not merely to distrust, the success of Lord Durham's mission, when I know the feelings entertained by the Legislative Council, from among whose members, notwithstanding his necessary personal ignorance of their merits, he will be obliged to select persons who are to aid him in the improvements of the constitution. If Lord Durham be not allowed to sanction the appointment of an elective Legislative Council, I fear that he will not be allowed to produce harmony of feeling and action between the Legislative Council and the Legislative Assembly; and if he were to produce harmony between them, I fear that the alteration proposed would be by eventually abrogating the representation of the people; and that it will be, not by bringing the Legislative Council into harmony with the Legislative Assembly, but the Assembly into harmony with the Council, by giving only the shadow of a Legislative Assembly, without its vitality or its substance; and, at any rate, I fear that his Lordship will not effect the purpose of his mission if he be surrounded by the Legislative Council, or if he be under the manacles and the shackles o the Colonial Office here.

For these reasons, my views are not so sanguine as those of some Honourable Members who have previously addressed the House as to his Lordship's success; or as it would have been if Lord Durham had been applied to, to frame a constitution after his own inclination. I fear, from the tone of the speeches of many Members of this House, and from the endeavours which have been made to inculpate the Legislative Assembly, and to prove that they have forfeited all right to the exercise of their functions, that the sentiments of this House are not such as can lead to contentment and satisfaction in the minds of the people of Canada. If you wish to have colonial possessions such as Canada, you have this difficult problem to solve, — you have to maintain the supremacy of this country, and, at the same time, to give satisfaction to the Canadian people; and unless you can solve this difficulty,— unless you can provide for both these things,— it is idle to talk of the benefit of the colony; for if you will misgovern it, it will be, necessarily, costly and burdensome, and its retention will be an absolute loss. It has been usual to make severe remarks on the speeches of what is called the Radical party in this House, and to speak contemptuously of the smallness of their numbers; but I am rather surprised that, if the Radical party are really so small and contemptible, Honourable Members should find so much in their speeches worthy of comment; but I must say of the speeches which have been delivered in this House, and which will tend to alienate the feelings of the colonists, it is not the speeches of those who have spoken for, but of those who have spoken against them, which are more likely to produce such a result. I cannot conceive anything more likely to provoke hostility of feeling than the references which have been made during this debate to —and than the idea of dealing with — the Canadian people as a nation of serfs; and I appeal to the House, whether such allusions will not, with more probability, create a feeling of hostility to the English interests, than will what has been called the violent and inflammable speeches of the Radical Members. I hope that Honourable Gentlemen will lay well the difficulties of the case to their hearts; for I must express my conviction, that the difficulties of the case will be much aggravated and embittered by this Bill. I abstained from voting against the first reading of the Bill, after hearing the determination of the Government to send out the Earl of Durham; and I did not like to vote against it until I had seen its provisions, hoping to find in it some admixture of mildness and conciliation to weigh against the rigour, but in this hope I have been disappointed: I can see nothing in the measure but rigour and coercion; and feeling as the free citizen of a free country, I repudiate it, and I fear that it will spoil the effect of Lord Durham's mission, and will dissipate the hopes which are enter- of its success.

SIR EDWARD SUGDEN. — I cannot reconcile myself to give a silent vote on this important question. I have paid the greatest attention to this subject, because I feel that it would be impossible for me to give my assent to the measure now under discussion, unless I were satisfied of the incompetence of the Legislative Assembly to discharge its functions. With this view, I have listened most attentively throughout the whole debate to the reasons which have been adduced against it, and more particularly to the argument of Mr. Roebuck, at the bar, because that learned gentleman is understood to speak the sentiments of the House of Assembly, and to be better informed of the actual facts of the case than most of the Honourable Members of this House; but I must say that, having listened with every desire to be informed on the subject, and not at all to find topics for cavil, I have failed to discover any good grounds on which the Assembly have rested their claims; and I am surprised to find that many of the most material features of the case have been altogether kept out of the view of the question presented to the House by the learned gentleman. I must therefore conclude that the learned gentleman has made such omissions, either because he considers what I deem of great importance to be of no value; or, that it is, in fact, so exceedingly important, that he felt himself incapable of entering into those points. It is my wish to abstain from saying one word that may give pain to the French Canadians in the peculiar situation in which they are now placed, because I think I stand here as a juror to inquire whether or not Canada is in such a state as to render it impossible for it to enjoy the free constitution which this country conferred upon it by the Act of 1791? It matters not to me whether the people of Canada are of English or of French origin; that, I think, is the last point we should take into consideration; because we know that, for many years, it was the policy of this country, for its own purposes, to keep up the distinction between the French and English in the colony; and when, in 1791, the two provinces were separated, it was still thought proper to keep up this distinction of French and English between the two provinces. I, then, deprecate the idea that any distinction should be drawn between the English and French Canadians. I hold that the latter are equally entitled to all the advantages claimed by the former. I think, too, there are other circumstances in favour of the French Canadians. A great fault was committed by the framers of the constitution of 1791 in this particular,—that, when they formed them into a separate body, they left the French colonists with civil institutions, grounded on their old feudal tenures. It was natural that the French should desire to retain them; but I cannot conceive that it would have been any reproach for the head of the Government to have said, "Your institutions are such as we consider very inconvenient and inconsistent with the free constitution we are about to give you." What but the most complete failure could have been expected from this attempt to graft on the old feudal system the free institutions of England? If there was any fault on the part of the Government of that day, it was this: — Their constitution was grounded on a close imitation of the constitution of this country, but its framers forgot that there was no class in the colony from which to select an Upper House; and when they could not, owing to the circumstances of the case, give the Crown power to found an hereditary Legislature, they gave one for life, and, in the words of Burke, "looked forward to this, that ultimately all would be hereditary councillors;" but, so far from such a result being produced, we find that, since that period to the present, there has not been one hereditary councillor. I think, then, I may presume that the Act of 1791 was not wisely framed, and that it has failed in its object. I am, however, not prepared to annihilate the feudal tenures now. I say the Canadians are entitled to them, and we must engraft on them, as we can, the best system for the people's benefit. Mr. Fox's scheme has been spoken of, but Mr. Fox's scheme would no more have succeeded than has that of his great political opponent. Mr. Fox proposed to grant an elective Legislative Council, to continue for life; but such a proposal was in direct opposition to the constitution of this country, which he professed to take as a model; but this would fail now, because the Canadian people of the present day say, "We are opposed to a Legislative Council elected for life; we wish them to continue only for a period of years, — some to go out every year, — in order that we may have our Legislative

Council, like our House of Assembly, chosen by the people." In 1834, on the declaration of this wish, in imitation of the constituency electing the British House of Commons, the Canadians proposed that the electors returning the Council should be 10*l.* householders, and though they did not object to a 200*l.* qualification on the part of the elected, if such were insisted on, yet, looking to the case of America, they said that they could see no particular necessity for it. But, returning to the Bill now under discussion, it is our duty, in order to justify ourselves in the eyes of the British country, and in the eyes of the French Canadians themselves, to be satisfied that the House of Assembly has placed itself in such a situation as to render this Bill necessary. I do not admit that the existence of revolt was, in the abstract, a justification for the course which was pursued, for if it were a simple revolt, I should strengthen the constitution as it exists, and give them stronger powers to enable them to put down the insurrection.

But it appears to me, after the gravest consideration that I can give the subject, that the revolt has been occasioned by the acts of the Legislative Assembly. And though I would not use a word of irritation towards that body, yet being called upon to pass a measure rendered necessary, in my opinion, by the delinquency of the Legislative Assembly, I must make some remarks in justification of the vote I am about to give. The Act of 1791 gave to the Canadas a limitation of the constitution of this country — and let the House see what the House of Assembly claimed. First, they claimed that the Legislative Council should be elected by themselves; they then insist upon retaining their original rights, and to be placed in the same state, in all respects, as the mother country. They desire this country, therefore, to break in upon their charter by granting an elective Legislative Council, and, in fact, they apply for a new charter to establish a right which the mother country does not enjoy. They then claim that the Executive Council and the Governor of the country should be under the direct power and control, and be responsible to the Legislative Assembly. That is to say, that the Legislative Assembly should have the power of impeaching the Governor, and of removing the Ministers of the Government, if they should not approve of their measures. We have no such power. Now that demand is perfectly absurd, and the Canadians should recollect, although it is our bounden duty to cherish the connection and treat them with all the kindness which a parent state should evince towards her colonies, the Canadians should recollect that the British Crown is the superior; that we have by conquest, by treaty, and by possession, the right, which no doubt should ever be exercised for their benefit, of sovereign dominion over the colony. They desire an Elective Council in order that they may have the power of impeaching the Governor before that body; they also desire a power of impeaching the judges — a very proper thing in itself no doubt; but how is it to be carried into effect? They say, first give us an Elective Council, and we shall have the power of carrying the Governor before it by impeachment, and also of carrying the judges before that Elective Council, by way of impeachment, and we shall be satisfied. I declare, after the best consideration I can give to this question, when they talk of the independence of the judges, I admit they would make the judges free from the control of the Crown, but they would make the judges deeply responsible to, and under the control of — themselves. The judges should be as free from the shackles of the people as from the power of the Crown. No one can ever be a judge, to hold fairly the scales of justice and administer, fearlessly, what he believes to be the law between the Crown and the people, unless he is as independent of the one as of the other. I maintain, therefore, when the Canadians desire that the judges should be free from the power of the Crown, but under their own control and dominion, they are not sensible of the first principles of justice, and totally unaware of the great perils they will draw upon themselves if their wishes in this respect should be complied with. The Canadians have had a practical proof of this before them; for the moment the revolt broke out they disclaimed all the authority of the courts of justice, and erected what they called "family tribunals," to which people were desired to resort under severe penalties in order to arrange and settle their disputes. Either there must be the greatest grievances connected with the administration, amounting to a positive failure of justice in the colony,— which grievances should at once be sifted, probed to the bottom, and remedied,—or the people of Canada are insensible to the great benefits of their judicial institutions resting on a solid foundation. It is impossible, therefore, that the demands of the Canadians, regarding an Elective Council, an Executive Council, and judicial officers, under the control of the House of Assembly, can for a moment co-exist with the dominion of this country, or with the happiness, the peace, prosperity, and comfort of the Canadians themselves. Let it not be said, they are the best judges of what would be to their own benefit. I deny that men in a state of excitement, like the Canadians at present, can be considered as the best judges of what will be for their own permanent advantage; and third persons who know the facts, with kind feelings towards the colonists, are much better able to point out benefits which they themselves would be willing to accept at a later period, although they might repel them at the moment of their being first suggested to their minds.

But passing from the demands of the Canadians, as in that respect utterly inadmissible, I shall only observe on that part of the case in which the House of Assembly demands that their Executive Council, Cabinet, or Privy Council should be under the control of the Legislative Assembly, in imitation, as they say, of the control which this country exercises over her Majesty's Ministers, that it is founded on a total mistake. There is no law in this country which makes Ministers responsible to this House in this sense. If they misconduct themselves to the extent of committing great crimes and misdemeanours, they may, no doubt, be impeached; that, however, would arise, not from any positive law on the subject, but from the force of public opinion as represented in this House. And when the Canadians seek by some law to render the Executive Council amenable to the House of Assembly, so as to make them removable at once, if they should not approve of them, I, for one, will say, it would be absolutely impossible for a Government to go on for a single week under such a system. Another most important question relates to the purse. That point requires the greatest consideration; we should be quite sure we are right upon it; because, granting the Canadians a free constitution, with a House of Assembly representing the people,—if we withhold from them the dominion of the purse unjustly, it will amount, undoubtedly, to a great grievance, and I should not be surprised if an outbreak were to be the consequence. The House is of course aware that a great part of the revenues of the province have always been under the dominion of the Legislative Assembly. There was never any question as to the local revenue; the only question was as to the duties of 1774, and the casual and territorial revenues. The House of Assembly, as I read the evidence given before the Select Committee of 1834, did not rest their case, as Mr. Roebuck has done, on Lord Dorchester's message, nor did they put it, as the Honourable Baronet the Member for Leeds (Sir W. Molesworth) has to-night, on Lord Aylmer's despatch; they demand the control over the revenues of the province as a matter of constitutional right. Lord Aylmer's despatch does not touch the point. As regards the casual and territorial revenues, I defy any one to raise a question, unless it arises upon the message of Lord Dorchester; for when the French Crown ceded all its rights to the Crown of England,—the right of the lands, the casual and territorial revenues vested in the Crown, precisely as the landed property in this country called "her Majesty's woods and forests" became vested in the Crown. It is asked, whether we insist on it as private property of the Crown? No, we say no such thing; it is not sought to put a shilling of it into the privy purse; it is to be dedicated to the purposes of the colony; but the right of the Crown is indubitable. It belongs as much to the Crown as any property that any private gentleman may possess belongs to him, with the difference, of course, which exists, and must always be recognised, between private and Crown property. Acquired by conquest and treaty, it now belongs to the Crown. Every one of the Acts of Parliament recognises it as such; the Act of 1774 contains an express provision that nothing in it shall at all be deemed to affect, in any manner, the landed property belonging to the Crown; in like manner the Act of 1791, so far from treating these revenues as bring under the power of the Assembly, contains an express prohibition against the Assembly's dealing with these funds without being first mentioned, in an address previously sent over to this country, and laid on the table of both Houses of Parliament; and should either House address the Crown, praying that such a Bill might not pass, the power of the Crown to give an assent to that Bill was taken away. There never was a clearer case; in all dealings with the colonies the property is treated as vested in the Crown. Did Lord Dorchester's message, then, take it away? That message, I confess, was somewhat ambiguous; I am satisfied upon it myself, but I should like to have it a little more explained. First of all, it is to be observed, that there has been no claim, upon that message, for a very long series of years. In 1834 the claim was put on constitutional right, not on any message. Then nothing has ever been done to divest the Crown. Considering, therefore, that there has been, during that period, no renunciation of the right on the part of the Crown, and no vesting it in the colony, I do not see any sufficient ground in the message for vesting it in the colony. What was done in 1774? When this country acquired Canada, we found duties imposed on all wines imported into Lower Canada, and all dry goods exported and imported. Imposed by whom? By the simple will and power of the French King. When we came to regulate Canada, those duties were repealed; and by an Act, not of the King, but of the Imperial Legislature, new duties were imposed, — not to be put into the coffers of the British treasury or privy purse, but to be specially dedicated to the expenses of the judicial establishment and the civil government of the province. In 1831 Lord Ripon's Act placed the disposition of these funds in the Legislature of Lower Canada. I must say, with every disposition to act fairly towards the Canadians, but with a determination to place every thing on its right footing, I think there is no ground for charging them with any direct breach of good faith in reference to that Act. I do not think they had entered into any direct undertaking that, on condition of the surrender of the revenues, they would grant a permanent Civil List, although a promise, an engagement to that effect, undoubtedly was held out by those supposed to represent the opinions of that people; and the control was granted on the notion and belief that they would do so, and on that understanding the Parliament of this country acted. The Noble Lord who brought in the Bill then stated, that if the Lower Canadians should not grant a Civil List, the revenues would remain, as they were before, under the control of the Crown.

Before the Act of 1831, these funds did not belong to the Crown, although they were receivable by the Crown without any intervention on the part of the House of Assembly of the Lower Province. But, then, these funds were dedicated, by the Imperial Act of 1774, to the payment of the salaries and expenses of the judicial establishments and tribunals, and of the civil government of the province. I have heard it stated, — for the question now assumes this shape, — that the Act of 1831 repealed the Act of 1774. It does no such thing. But it does this, — reciting the Act of 1774, which vested these revenues in the Crown, subject to their disposition under direction of the Crown, for the purpose of defraying the expenses of the judicial establishment and civil government of the province, it goes on to say, that it is desirable to make further provision; and then it enacts, that the disposition of such revenues shall be in the Colonial Legislature, subject to the authority of the Imperial Parliament. I admit, without further preamble, that the Act of 1831 does not yield these funds entirely and distinctly to the control of the colonial Legislature. But if I find that the colonial Legislature does not avail itself of this Act, and that, in point of fact, the funds in question are actually applied by the Imperial Government for Canadian purposes, and to Canadian objects, the question is, whether these funds are not now properly applicable, under the Act of 1774, to the payment of the civil and judicial establishments of Great Britain in the colony? I, for one, should feel no difficulty in repealing the Act of 1831 without hesitation; but only with this proviso, that if the colonial Legislature should at any time provide properly for defraying the expenses of the civil government and the judicial establishment, then, I think, so long as that disposition continued, not only the duties under the Act of 1774, but the actual produce of the casual and territorial revenues, should be under the disposition and within the control of the colonial Legislature; so that, in short, they should possess the power, if they chose to avail themselves of it, of the full disposition of these revenues.

It is most important, in discussing this question, that we should carefully consider whether any well-founded complaint has been established, on the part of the House of Assembly, as to that part of the case, — namely, that in which it is urged that they have not made a permanent provision for the judges and the civil establishments? Now they desire, in words only, to have the same power as the mother country has, in point of representation and control over the public purse. Why, if they would be content with the power which this House has, the House of Assembly might still provide for, and would still control, the disbursements of its own purse, as to the expenses of the civil government and the judicial establishment. This, I say, they might do, if they would only take us, the House of Commons, as their patron; for then I would not complain of the House of Assembly. This country does nothing so absurd as to leave the payment of its judicial officers dependent upon any operation of political feeling. That principle the country affirms to this extent, —

that, in order that its judicial officers may discharge their duties with perfect equity, they ought to be remunerated for services, which, when properly performed, it is, as matter of public advantage, difficult adequately to remunerate. If the point of honour in this case were out of the question, the law of necessity (inasmuch as it is a mere question of self-preservation), and the will of the people (inasmuch as it is a question of common sense), would compel the recognition of this principle. The first thing a free people do, is to place their judicial officers beyond the reach of penury, and if possible, therefore, of corruption. A free people seeks, not only to place their judicial functionaries in a position where they may evince a perfect freedom of action, but to give them, together with the means of retaining their character and station, the capacity of keeping up a certain degree of external dignity in their relations to other classes of the people. Whatever may have been done in Canada by other parties concerned in these unhappy differences, we know what must be the sufferings of these judicial and legal functionaries, who have been kept out of their legal salaries. We can well imagine what must have been the privations, the positive sufferings, they must have endured, and the distresses to which they must have been subjected. But I will only observe, upon the general principle which I am contending for, that it is enough to know, that, without adequate means to maintain those external appearances which the usages of society and the custom of your civil institutions alike demand, it is impossible that these your functionaries should command a salutary and necessary respect and influence with the people. I say, then, that, looking at all these circumstances, and desiring to state clearly what are the grounds upon which we vote upon this vitally important question (for it is no light matter to suspend the constitution of a great colony), and after hearing the advocate of the House of Assembly at your bar, I am prepared to speak decidedly upon the case which has thus been brought before the House; namely, whether or not we will consent to take away the free institutions of one of our own dependencies? I am rejoiced at the fact, as so many Gentlemen have expressed their desire to speak to this question, that the debate has been an adjourned one, and thus afforded them an opportunity of fully and fairly recording their opinions upon it. I say, it would be disgraceful to this country were the House to pass such a Bill as this, as a matter of course, and as if, because a revolt has taken place in Canada, therefore it is incumbent upon us to take away the free constitution under which the Canadian people for so many years have lived. But I must contend, that we are to vote for the suspension of the constitution as the only means of saving Canada, and of securing to them those improved institutions which I wish them to enjoy. I shall be as ready as the people of Canada can be, themselves, when they are enabled to resume the station from which circumstances have for a while removed them, to concede to them the freest institutions that they can be capable of enjoying.

With regard to the general question, between this country and the House of Assembly, I have already stated, that in return for the Civil List, you gave certain revenues to Canada, and you are not entitled to take them away from her, so long as her part of the contract is performed. As to the Tenures Act, I think the whole proceeding was originally ill-advised. In my opinion that Act ought never to have been passed; at least in my judgment it is clear that it was passed without any sufficient knowledge on the subject. For my own part, I would not object to repeal the Act, simply reserving to all parties any rights which they had acquired under it. It is a subject altogether for local legislation. Well, then, Sir, in this way, we should demonstrate to the Canadians, our sincere desire to redress grievances where they existed; and the generous willingness of the British Parliament, to give to the people of Canada, at large, the rights to their lands, in free and common soccage. But you have no right to force that or any other tenure upon the Canadians. If they will not have the tenure of free and common soccage, — if the House of Assembly insist, that the British Crown has no right to make grants of this character, — do not force them; although they are perfectly wrong, for the Crown always explicitly reserved the right to make such grants. In the Act of 1774, the right to grant lands in free and common soccage, and, again, in 1791, when the Civil List was restored to Canada, there was an express reservation, that all lands which theretofore had been granted, or thereafter should be granted by his Majesty, his heirs or successors, in free and common soccage, should continue to be so granted. From the first to the last, therefore, this country, dealing with the Canadians, and granting them a representative constitution, has always taken care to reserve that which it was so important to reserve,—this right of the Crown, to respect, in these grants, the customary rights of British subjects: and to those who know what is the value, to a British subject, of the enjoyment of a grant in free and common soccage, looking to those who are to succeed them, the rejection of such a right will readily be acknowledged for a circumstance which very rarely occurs.

On all these grounds, I am forced to come to the reluctant conclusion that the House of Assembly, in refusing the supplies after obtaining the Act of 1831, did so, factiously.

[Loud cries of "Hear, hear!"]

Now I do not mean that phrase offensively, although I see an Honourable Gentleman laughs at my statement. I will therefore recal the word; but this I will say,—they did so, for an indirect purpose, not for the repression or satisfaction of a wrong sustained by them, but for the assertion of a right which clearly did not belong to them. In thus refusing the supplies, they in fact asserted, that which, if in truth we were to concede it, would speedily destroy the connection between Canada and the mother country. I wish the Canadians to understand that the refusal of the supplies is, in their hands, no imitation of the practice of this House, or of the British constitution. In this House, upon the few occasions upon which it has been resorted to, it has been tried, as the last resource, against the most serious inroads that have at any time threatened the public liberty or the constitution. But it has, in all cases, been the exception and not the rule. In Canada, it has been attempted to make it the rule, and not the exception. The inevitable consequence has happened, which might well be anticipated, from such a violent and extreme proceeding, in the disorganised state of the country, and the political convulsions by which it has been distracted. It is on these grounds that I shall justify the vote which I am about to give, and shall support the Bill which has been brought in by the Noble Lord. In doing so, I must yet observe that I do not at all approve of the Bill itself as a whole. There are many parts of it which in committee may be objected to, some amendments upon which I reserve it to myself to propose. Nor must I be understood, on account of any reasons which I may perceive for being silent upon that subject on the present occasion, as approving of the conduct of her Majesty's Government, in the course which they have pursued, since those resolutions were passed last Session. On the contrary, I cannot help thinking that the gravest responsibility lies on her Majesty's Government for what they have done in this case. I must therefore enter my protest against anything like the notion, that I desire to sanction or uphold their conduct. I rose for the purpose of setting myself right with the country. It behoves every Gentleman to state the precise reasons which influence him in giving a vote on so momentous a question as this.

Mr. LABOUCHERE. — After the many occasions on which the indulgence of this House has permitted me to take a share in the discussions, which, for the last two or three years, we have had on the affairs of Canada, I am unwilling, at this period of the evening, to prolong the discussion upon this measure; but having, as I have intimated, participated in every debate upon these Canadian questions, since I first had the honour of a seat in this House, I am reluctant to give a silent vote, upon a Bill of such vital importance to the future condition of that country, as this measure which is now proposed to the consideration of Parliament. I have listened, I must say, with the greatest satisfaction, to the excellent speech which has been delivered by the Right Honourable and Learned Gentleman who has just sat down; a speech, of which I must say, that that part of it which related to the legal concerns of that great colony was entirely worthy of the high professional character which he bears, after having acquired it in an honourable and distinguished practice;—

[Loud cheering from both sides of the House.]

but a speech, moreover, which was remarkable, in my judgment, for the far more valuable quality of having represented, in that free, liberal, and conciliatory language, the opinions of a British senator, and through him the feelings of the great majority of the Members of this House, upon the same question, however they may differ among themselves on some minor points connected with the general subject. I think, Sir, that nothing con be more unjust than those imputations which were thrown upon this House, by the Honourable Member for the city of London (Mr. Grote), when he said that, in the language which had been used by Honourable Members on both sides of the House, reflections of the most harsh, and imputations of the most unwarranted, character had been thrown out against the people of Canada; that, among other things, it was to be noted that they had been spoken of as serfs and inferiors, whom we were not bound to consider with the same regard, whose rights we were not called upon to manifest an equal degree of respect for, as we should be called upon to do in dealing with the case of any other subjects of the British empire. I am very sure that, if any expressions of that sort had really fallen from any Honourable Member, they would have grated harshly on my ear. But, having listened with very considerable satisfaction to all the discussions which have taken place on this Canada question, I must say, that nothing has pleased me more, throughout, than the calm and temperate tone which has pervaded almost every speech that has been uttered on this occasion. Nothing could have been more gratifying to me than the tone in which every Honourable Member, without exception, who has yet addressed the House, has expressed himself with regard to the rights to which the colonists of this great branch of our North American empire are entitled; and I do believe, Sir, that when this debate shall go forth, as it will do, to the colonies, it will produce as beneficial an effect among them as any legislative measure which this House could have it in its power to enact on their behalf. I have already said, that I listened with very great satisfaction to the speech of the Right Honourable and Learned Gentleman. In many of the opinions announced in that speech I most fully concur; in others, I confess, I cannot agree. But we do not think it is our duty at this moment to indicate the possible changes in the constitution of Canada which my be introduced at some future period; and as all those changes will be more advantageously and deliberately discussed, in both Houses of Parliament, when they shall be formally submitted for consideration, — and no more difficult question can come before this House than that of their adoption, — then, I think, the proper time will arrive for expressing my opinions upon the several questions which must arise upon those changes, and to that opportunity I shall certainly reserve myself. I will only add, as upon this point, that I have found no reason to alter the opinions I have expressed when this part of the subject has been before under consideration. I am quite sure now, as I have ever been, that any constitution adapted for Canada must be one based on the broadest principles of constitutional liberty. I, for one, could not assent to any measure that fell short of permanently recognising and establishing in such a constitution those great principles of constitutional liberty, although I feel at present compelled, by an overwhelming necessity, to sanction the suspension of the constitution which the Canadians at present enjoy. And when the Honourable Member for London says, "Why not summon the House of Assembly again, and let it have the full exercise of those rights which were assigned to it by that constitution?"— I answer the "why" of the Honourable Member with a "wherefore?" I draw the broadest distinction between constitutional rights, in the abstract, and those cases of the occasional suspension of the constitution, which, in all countries almost, men are obliged occasionally to have recourse to. I say, that the proposition of the Honourable Member for London is not practicable. To suppose that the calling of the House of Assembly together, *flagrante bello*, could by possibility be productive of any beneficial results, is a notion which, however feasible it may appear to the mind of the Honourable Member for London, I trust he will excuse me for saying, could scarcely be entertained for a moment by any practical public man, accustomed to look calmly and deliberately at the working of human affairs.

It has been objected, with much earnestness, to the measure before us, that under it the Earl of Durham goes out with all the powers of a dictator, to frame for the colony a new constitution. I confidently maintain, that that is not the fact. On the contrary, it appears to me that the most valuable part of the measure of the Government is that which goes to give a guarantee to the people of Canada that it is our intention, — the intention not only of her Majesty's Ministers, but of this House at large, — to revert permanently, and not incidentally only, at the earliest possible opportunity, to that system of constitutional government which is the only practicable and feasible system for so great and so important a community. But I do beg to state this distinctly,—that no man can attach more importance to the continuance and the maintenance of the connection between the Canadas and this country than I do; that I greatly differ from those Honourable Gentlemen, who think it were a little matter for Great Britain to part with this noble colony; that I think to part with it would be a great loss of absolute strength, and a great sacrifice of national reputation, so far as this country is concerned; that I, for my part, am most anxious and determined, as far as in me lies, to maintain the integrity of the existing British empire as long as it can possibly be maintained. Yet, with all these impressions, if it were proved to me that we could not maintain these colonies as colonies of freemen, I, for one, would rather give them up at once and for ever, than commit the folly and incur the guilt, and challenge the danger, of attempting to govern so large a portion of British subjects on principles so unworthy. I must say, that I look forward, however, to the future administration of the affairs of Canada with anxiety, certainly, but not with despondency. My advice to the Government, throughout the whole of these questions on the affairs of Canada, has been invariably this, — to persevere to the utmost in a mild and conciliatory course, to be firm and steady, and to despise the taunts of those who are for what are called vigorous strokes of authority. And so far from the course of events proving the reasonableness of those taunts, or proving that I was wrong in the opinion which I have thus enforced, it has absolutely confirmed me in the propriety of the course which I have pursued. The country is now reaping the reward of the conciliatory policy. I think that all our troubles, in respect of Canada, have been the consequences of the bad and injudicious system of policy which we have too long allowed to prevail. I always felt that if, on the one hand, we adhered to that more liberal and friendly policy of which I speak, and that if,—notwithstanding the unreasonableness of some misguided individuals among the leading party in the House of Assembly of Lower Canada should at last bring about this sort of crisis, — we should at any rate always have the approbation and support of our own consciousness that we, the Parliament of Great Britain, had done all in our power to avert that crisis, and that we should, moreover, enlist the sympathies, and obtain the credit, of the civilised world in our favour; which, give me leave to observe, looking to the present influence of public opinion, is no mean aid or ally of any Government whatever.

Sir, much was said, last night, by the learned gentleman who appeared at the bar, relative to the United States of America, and the effect which he assumed that this contest with Canada would be likely — indeed, would of necessity, be certain — to produce there. For my part, as one of those who value exceedingly the importance of those friendly relations and good terms which this country has long maintained, and I trust will long continue to preserve, with that powerful and flourishing republic, I have observed, with great satisfaction, the public feeling which has been manifested by the latter upon this question. It was but natural that late events among certain parties, and in certain districts, in that territory, should have produced considerable excitement; but, as far as can be collected from the language of the public press — from the opinions expressed, and the acts done by public men in the United States — of the tone of public feeling in those parts, I must infer that the general opinion which prevails throughout that vast republic is, that Great Britain has acted a fair, an honourable, and a just part in her present conduct towards the Canadas. I really believe, moreover, that there is not a single American who would not feel it to be a foul libel on the immortal achievers of their independence, — their Washingtons and their Franklins, — to have them compared with the leaders of the present Canadian revolt.

[Loud cheering from both sides of the House.]

To what course do I attribute this state of feeling and public opinion in the United States? Why, Sir, to this; that ever since the year 1823, every Administration which has succeeded its predecessor in this country, has been forward and anxious to do justice to Canada. Of this fact I am perfectly satisfied. I do not mean to say that they may not occasionally have committed some mistake or other; no, I mean rather to contend that they have made some mistakes; it was only natural that, removed at that distance at which they were from the scene of action on which their measures were to be tried, they should have occasionally, now or then, fallen into some error; and, accordingly, so far from being always right, they must be considered, in some instances, to have made some mistakes; but no one can have watched the course of events for the last few years, with a desire of getting at the truth, without acknowledging, upon an attentive observation, that the different Administrations to whom the affairs of this country have, during that interval, been confided, have, each and all of them, always attempted to do justice to each of the Canadas. Why, Sir, this is the general feeling of the Canadians themselves. In times past, I have been in the habit of having more frequent personal communication with gentlemen of large property in Lower Canada, and thus had the means of rendering myself acquainted with the opinions entertained by their leading politicians. In particular, I was acquainted with those who came over to this country in the years 1825 and 1828, as deputies from Canada, to represent to the Colonial Department the grievances under which they considered the Canadians to labour, and whose names have been so much alluded to to-night. I can safely declare, that I never saw men of more intelligence, more just or more affectionate in their sentiments of attachment to, and justifiable pride in, the country which had given them birth, — men who entertained a warmer or better founded admiration for free institutions, or who would more strenuously resist any pretensions which they might consider an infringement of that free constitution which they knew to be their birthright. I have, therefore, great pleasure in informing the House that two, at least, out of these three deputies, and I have reason to believe all the three, have taken a decided and active part in supporting the just claims of England against the arrogant pretensions of the House of Assembly. I am very much obliged for the patient attention which the House has afforded me. It is not my intention to trespass much longer on your indulgence, but I could not help addressing these few words to you on a measure so deeply affecting the interest of a colony with which I have been so intimately connected. Whilst I perfectly concur in the propriety of the course which has been taken by her Majesty's Government, with a view to the suppression of the revolt, I cannot forbear from observing, that when I heard, to-night, the learned gentleman at the bar, the late Member for Bath (Mr. Roebuck), endeavouring to represent this as a case in which a colony, that had been attempting, by just and fair and legal means, to secure the establishment of constitutional principles in the administration of its government, had been goaded into that revolt by the harsh and abitrary measures of the mother country, — I really thought that it was a deliberate attempt to mislead the public mind; and that it must be apparent to every Gentleman who heard him, that it could only be intended to deceive the House and the country. An attempt of this kind I am confident cannot fail to excite the disgust of all Englishmen who know anything about the real facts of this case. Why, Sir, we have all of us either heard or read of the speeches made in, and the resolutions passed by, the House of Assembly, — of the inflammatory resolutions agreed to at the different district meetings in Lower Canada, — we know that there have been going on, for some time past, drillings of troops, importations or seizures of arms, meetings by night, processions by day, warlike preparations, seditious disturbances, and military and hostile demonstrations of all kinds, throughout the province in a time of peace.

[Loud cries of "Hear, hear!" from both sides of the House.]

Of all these things, of all men the learned gentleman could not be ignorant, and yet not one word did he think proper to say about them. He passed them over in silence, as prudent as it was significant. But no Government, worthy of the name of Government, could surely hesitate, for one moment, upon the indispensable duty and paramount obligation, on their part, to put down such proceedings the moment that they were brought under their notice. I can assure the House, that nothing would have induced me to have trespassed at such an unusual length upon their attention but an imperious sense of duty.

Mr. WILLIAM GLADSTONE. — I think it due to the Honourable Member for London, to acknowledge, as a simple act of justice, the candour, the calmness, and the fairness with which he has stated, both upon the present and on former occasions, the strong opinion which he holds upon this question, and the consistency with which he has urged them on the House, both in good and in evil fortunes. When, about a month ago, news of rather a disastrous character as regarded the success of her Majesty's arms in Canada had arrived in London, the Honourable Member calmly and deliberately avowed it to be his conviction that we ought to resort to a separation from Canada as the best mode of putting an end to the differences subsisting between the mother country and the colonies; and now, when the news which has last reached us is of so very different a character, and goes to establish so conclusively the success of the British arms, the Honourable Member — with the same calmness and deliberation, and without indulging in any asperity or violence of language on the one hand, or indecent exultation on the other, — comes frankly forward to maintain the same proposition. But how does this mode of dealing with the subject contrast with the strange and extravagant speeches delivered by the Honourable Baronet the present Member for Leeds, the Honourable Member for Kilkenny, and the Honourable Member for Westminster, both before the recess and on the present occasion! Did we not hear, before the recess, nothing but anticipations of the probability of the defeat of the British troops, accompanied by something like expressions of gratification at that prospect, and the prospect of the confiscation of property, by which such an event would be sure to be followed? What else, at that time, was the burden of the song of Honourable Gentlemen opposite? We heard of nothing but instructions actually suggested, as to how the insurgents were to fire so as to inflict the greatest possible loss upon the British soldiery; we heard of nothing but the curses and execrations which would be heaped upon the heads of the British Government, should they dare to attempt to maintain, in either of the Canadas, the supremacy of British authority. Well, Sir, is there any thing of this sort? Where are now these curses and these execrations — these boasts and these assertions? They have vanished into thin air, ——

[Loud cheers, and cries of " No!"]

Yes!—And this, observe, not from any alteration in the main features of the case, not from any change in the principles of this case; not on account of their own injustice and falsehood; but simply because intelligence contained in the newspapers of this day, gives a very different aspect to this revolt in Canada. And these are the Gentlemen who talk, forsooth, of vacillation; of the vacillation not only of her Majesty's present Government, but of Gentlemen on this side of the House. But before those Honourable Members opposite venture to talk of vacillation " indeed," let them for their own sakes look at home ——

[Loud cheering, and cries of "No, no!"]

Before they use the word again let them carefully consider to whom it will apply. They advise one day the separation of the Canadas from the mother country; and the next, when intelligence has arrived from the colony to prove that there exists no desire for such a separation there, they are struck suddenly dumb, and you do not hear again any such proposition from their lips. If this be not vacillation, I should like to know in what tortuosities of language or of conduct vacillation consists? If this be consistency, I should like to be shown what constitutes the praise of consistent conduct? I should not know how to account for these signal discrepancies between the professions of one day and the professions of the next, if I did not recollect that they belong to that school of morals and of politics which teaches that success is the only criterion of truth or right.

There was one point alluded to by the Honourable Baronet the Member for Leeds, in the course of this debate, but which was not raised or alluded to by the supporters of Government, relating to a grievance which the Honourable Baronet described as having been long submitted to by the inhabitants of Canada. It is one that admits of a brief reply, and I will, with the permission of the House, give them a brief explanation upon it. The Honourable Member has said that the judges in Canada are not independent; that the House of Assembly, seeing the impropriety of leaving these judges in a dependent situation, passed a Bill to render them independent; and that this Bill, on being sent home to the authorities in England for approval, was rejected by the Secretary of State for the Colonial Department. It is to be observed, that those Honourable Members who uphold the recent proceedings in the House of Assembly, are never tired of declaiming against the ignorance which, according to them, prevails among their opponents on all Canadian affairs. Really, Sir, they must conceive the ignorance of Gentlemen on this side of the House, and of their opponents, upon that measure, to be indeed as gross as they would represent it to be, or, I must say, I think they never could have the presumption to hazard assertions, which I shall not call so inaccurate, merely, but which I must denounce as so utterly unfounded. Now, what are the facts? The Bill which the House of Assembly passed, did undoubtedly establish, in the first place, a nominal provision for the independence of the judges. It established a court of impeachment for the trial of all public officers, with which I imagine the independence of the judges had no sort of natural connection whatever. In the second place, that Bill asserted a claim on the part of the House of Assembly to dispose at its pleasure of all the territorial revenues of the Crown; revenues to which the House of Assembly had clearly no sort of legal right. In the third place, that Bill, whilst it asserted in words the independence of the judges, made no sort of provision for payment of the judges' salaries. No supplementary Bill for effecting that object was sent with it; so that if, from inadvertency or a mistaken policy, it had been assented to on the part of the colonial department, we should have had the judges made independent of the Crown whilst their salaries would have remained to be voted singly from year to year by the House of Assembly. Then we should have had a repetition of all the occurrences which took place with relation to the Act known as the Earl of Ripon's Act, in 1831. Whilst I was listening last night to the speech which was made by the learned gentleman (Mr. Roebuck) at your bar, on behalf of the House of Assembly, I certainly did expect that the learned gentleman was about to advance much higher pretensions than those on which he ultimately rested. But when I compared the lameness of his peroration with the magniloquence of his exordium, I could not refrain from asking, with the Latin poet—

Quid dignum tanto tulit hic promissor hiatu?

Why, Sir, he threatened to impeach her Majesty's Government of sundry high crimes and misdemeanours; and, yet, the only parties on whom he pressed with any degree of severity were his own peculiar friends and supporters. "Here," said the learned gentleman, "I am standing, alone, against hundreds of Members!" Alone? Had the Learned Gentleman forgotten, then, the potent friends and allies whom he had in the Honourable Member for Leeds (Sir W. Molesworth), the Honourable Member for Bridport (Mr. Warburton), the Honourable Member for Westminster (Mr. Leader), and, lastly, for I reserve him to complete my climax, the Honourable Member for Kilkenny (Mr. Hume), in himself a host——

[Laughter and cheers.]

and who takes care to speak, himself, upon this question, every time, without exception, that it happens to be brought forward, and who, only last night, made a speech upon it, for the very important purpose of apprising the House that he had nothing at all to say about it. Now what, let me ask, was the nature of the learned gentleman's own argument? It was twofold. He argued, first, that the House of Assembly had an absolute inherent claim to the disposal of all the hereditary and territorial revenues of the Crown, and, in the second place, that the House of Assembly were *ipso facto* justified in persevering to obtain an organic change in the constitution of the Legislative Council. After what was so well said by the Honourable Baronet the Under Secretary for the Colonies last night, and after what has again been so ably urged to-night, in explanation of the real nature of Lord Dorchester's message to the House of Assembly, I will not enter into that discussion further than to say, that even the passage which the Learned Gentleman himself read did not bear out the construction which he put upon it, or, rather, the assumption which he raised upon it; and he must, to be sure, have calculated largely upon the carelessness and inattention of his auditory when he ventured upon reading the passage which he relied on. That message merely adverted to the application of the revenues of the Crown for the purposes of the colony. It merely stated that the manner in which they might be appropriated to those purposes should be laid before the House of Assembly, but it did not contain a single word about the unconditional surrender of them to that House. The message, in short, referred rather to the revenues of the colony and their application, than the remodelling of their appropriation. The common sense of the thing, besides, is that way. The history of this country does not recognise or justify such an unreserved and absolute surrender to the people of the possessions of the Crown. Is it to be supposed, or is it likely, I would ask, that the Governor of the colony would place the Commons of such a new and recently conquered territory on a better footing with regard to the Crown than that in which the Commons of the mother country were placed in, as respected the same relations; or that, having given that right to the House of Assembly for many years, that House would have acted in all that interval on a directly opposite principle from that on which its present pretensions are founded? Would such a body have permitted successive Governors, through such a lapse of years, to act as if no such surrender of revenues had ever been made to them? I now come to speak of the conduct of the Legislative Council. The Learned Gentleman mentioned, I think, two cases, in which he said two Bills which had passed the House of Assembly were rejected by the Legislative Council, on account of their alleged incompetency to conduct the affairs of that colony. Here I would remind the House, that the Legislative Council is placed on the present occasion, precisely in that situation in which the learned gentleman complains that the House of Assembly would have been placed had you not consented to hear him at your bar. It is hard that in matters of detail of this nature, its chance of defence should be left to those who are all but its uninstructed and uninformed advocates; but it is fortunate enough that, even upon the showing of the Learned Gentleman himself, it is impossible to make out a case against the Council.

The first measure to which the Learned Gentleman (Mr. Roebuck) alluded, was a Bill to regulate and amend the law affecting mortgages. True it is, that the Legislative Council did throw out a Bill which had been prepared and introduced for the purpose of establishing in the colony the "Lex Stellionati," the incorporation of which into the French law of real property was, yesterday evening, described to you by the learned gentleman. Now that law went upon the assumption that mortgages of landed property were instruments of which the secrecy of their execution was a sort of necessary condition. But the Legislative Council desired and was most anxious for a system of open registration, which should comprehend, among others, all deeds of this description, and therefore the Council declined to pass a Bill which, although an improvement on a vicious system which had long prevailed in the colony, would still have formed but a branch of that system — a system which it held that it was necessary to get rid of altogether before a better could be established in its stead. The second case was that of a Bill, which was called, I think, the Parish Officers Bill, and which went to enable the Canadians, in their different townships and parishes, to elect local officers for themselves, and from their own body. What were the proceedings of the Canadian Legislature in reference to this measure? A copy of that Bill I hold in my hands, and I request the House to observe what were its provisions. This was a Bill enabling these townships and so forth to elect local officers; it passed the Legislative Council, it came down to the House of Assembly, and the House of Assembly sent it back with certain important amendments to the Legislative Council, by whom, in that amended shape, it was rejected. And now, Sir, as to its provisions. If I mistake not, the House will be surprised to learn that this Bill, when sent back to the Legislative Council, which Council we have heard so confidently charged with rejecting measures of a popular character and local interest as respected the Canadian people, contained a provision, inserted by way of amendment, which was, in fact, equivalent to the creation of a system of election for justices of the peace. By the second clause it was proposed to be enacted, that it should be lawful for the freeholders present at every such meeting of the electors of the county, to elect and recommend, by a majority of votes, to be taken by ballot or otherwise, one person to be clerk to such township or parish, and also to elect and recommend one or more persons, being resident freeholders, to be justice or justices of the peace for such township or parish. Why, Sir, undoubtedly, an enactment of this kind does not go at once to take out of the hands of the Crown the prerogative of appointing, itself, justices of the peace; but, is it not evident, that if such a system had once been sanctioned in principle, the practice would have gone on, in no long interval of time, to the same result, or something tantamount to it? Is it not clear, that justices, thus chosen, would have been elected under a system, in short, which would have been attended with all the evils that belonged to a popular election of magistrates; and therefore, I put it to this House, whether the Legislative Council, in throwing out such a Bill, comprehending a provision so obnoxious, did not do that which they were perfectly right and justified in doing?

Other grievances have been adverted to as bearing heavily on the Canadian people; but I think, as regards those which were so recently commented upon at that bar by Mr. Roebuck, it is pretty clear that they have laid no ground which should deter the House from adopting the course they are now called upon to take. But, then, it is alleged, in the next place, that the bankruptcy of judges in the colony is a grievance, and one of a very serious character; and this allegation of a grievance was enforced, I think, by the Honourable Member for Leeds. For my part, I must say, that I have inquired very carefully into the facts on this part of the case, but hitherto I have been unable to discover that any instance of such bankruptcy has ever occurred in the colony. But, most unquestionably, there have been cases, and cases too of a very recent date, in which the judges of Canada have been understood to be in very embarrassed circumstances, and grievously in debt; but was it not very natural that such should be their condition, when we consider what the inevitable result must have been of the course which the

House of Assembly themselves have thought fit to take in this matter? What else was to be looked for when we find that that Assembly have, for years past, withheld from these meritorious and important functionaries, the hard-earned salaries of their most laborious offices? But, then, Sir, it is pressed upon us that the bankruptcy of the Receiver General of the province is a grievance; and I am quite ready to admit, that if the province were likely to suffer injury from such a state of that officer's affairs, his bankruptcy would amount to a grievance, in itself of no very inconsiderable kind, and for which the colonists themselves would have a fair claim to be indemnified. But let us see what are the facts as to this part of the case. The Receiver General was a defaulter to the extent of 96,000*l.*, but his effects and property have been handed over to the Government treasury, and among them is an estate, for which, as I am credibly informed, no less than 180,000*l.* has been offered within these two years. If, in the present state of the Canadas, and the depreciated condition of commercial credit, shaken as that has been, for the present, by the proceedings of the House of Assembly, which have disturbed all that public tranquillity and order that are essential to induce the investment of capital; if, at this moment, this property is in consequence not marketable,—the want of a purchaser is not the fault of the British Government, and, therefore, not to be made the foundation of a charge against the British Government. Then, again, we have been told, that the resolutions which were passed last Session by this House, are a grievance. Undoubtedly, if there were many substantial grievances oppressing the Canadians prior to the passing of those resolutions, and those resolutions could fairly be considered as affecting a colonial legislature, the conduct of which was, in itself, unimpeachable, then these resolutions were really grievances. But if, on the other hand, the Colonial Assembly was previously in the wrong, the fact of our passing such resolutions could not set it right. Next, with respect to the charges which have been made against the Legislative Council, I must say, that I think they have never been substantiated, nor can I recognise any plausible ground for them. Their acts have been approved of by the Imperial Parliament, and in anything which may have been done wrong here, in thus sanctioning their acts, no fair ground can be shown for bringing about a fundamental change in the constitution of such Council.

Allusion has been made to the Legislative Councils, more or less elective in their nature, which existed in several of the New England States, whilst they yet continued to be attached to the dominion of Great Britain; and it has been attempted to show, that, because elective legislative councils existed formerly, in our North American colonies, now forming the United States, therefore these institutions must be equally applicable to Canada; that the same form of constitution might be safely and beneficially introduced into Canada. To me it appears that the cases are by no means parallel. At the time when the councils in question existed in our old colonies in America, no example had yet been set, of our colonies successfully breaking off from the general dominion of, and connection with, the mother country. The principle of government was then much stronger,—the subjection of the colony much more perfect; and, as yet, they were without the example of any neighbouring power on the frontier which had arisen into independence and importance out of the federal union of many revolted colonies. But, moreover, there were then in the British colonies no active elements of national hostility between two great classes of the population, which rendered it difficult for the colonial governments to secure domestic harmony, and to conduct their affairs upon a system calculated to dispense beneficent justice to all.

Now these considerations regard differences which are of great moment, and involve principles that lead to very dissimilar results, totally destroying the apparent resemblance between the two cases. I will even go the length of saying, that, under the circumstances, it is probably owing to the want of legislative councils in some of these colonies, or to the form of their constitution in others, that there is no rallying point for those who are disposed stedfastly to maintain British connection, and that our colonists, in consequence, come precipitately to the resolution of declaring their independence and abandoning that connection. These circumstances, I think I am entitled to contend, afford, at least, an ample justification for the original establishment of a Legislative Council in Canada; and I must add the expression of my own opinion, that, seeing that none of its subsequent acts have constituted any real or substantial grievances, there are reasons as ample for continuing and maintaining it. I believe that, in the statements which we have heard, either this evening or upon former occasions, there has been nothing else assuming even the form of a grievance, sustained by the Canadians, except it be that which relates to the present state of the jury law in Lower Canada. It is said that this jury law, which was meant for the protection and security of the freedom of the people and the increase of their privileges, has become, in the hands of the colonial government, the instrument of their oppression. But what are the real facts which bear upon the proof of this allegation. In the first place, if the House will turn to Lord Gosford's despatch, dated the 5th of October, they will be enabled, I apprehend, to judge pretty clearly which party in the colony was most oppressed by the actual state and operation of this law? Lord Gosford says, in that despatch, that the grand jury, in defiance of the strongest evidence, had ignored bills of indictment which had been preferred against several persons in the county of Two Mountains, for a conspiracy to drive out of it two individuals who happened to hold political opinions opposite to their own; and that the Attorney General for the colony had been obliged, in consequence, to file *ex officio* informations against them. In another despatch from the Noble Lord, dated 12th of October, the Earl of Gosford thus expresses himself:—"Judging from recent events, on the little probability, even if evidence of sufficient weight could be procured to arraign the offenders, of a jury taken from the district of Montreal finding bills and convicting on them"—. But besides this, by a reference to the papers, the House will find the magistrates of Montreal making a similar statement at a meeting held by them, in which they express themselves in the following terms:—"That it is the opinion of this meeting that turbulent and disaffected persons, inciting the peasantry to rebellion, would not be declared guilty by any jury called in the ordinary course of law."

Such, then, is the state of the facts applying to the condition of this jury law; of this law, which has been declared, on behalf of the House of Assembly, to be an instrument of oppression in the hands of the Government. On whom does the responsibility rest, of such a state of the law? Is it not clearly upon those who have become the abettors of the principles avowed by the House of Assembly themselves, and acted upon by their supporters? A Bill, introducing several alterations and amendments in that law, passed the House of Assembly, was amended by the Legislative Council, and was sent back in such amended form to the House of Assembly, by whom it was rejected, without even the demand, on their part, of a conference upon the Bill. It was, therefore, with the House of Assembly that all the responsibility of this proceeding clearly rested. Now, so far as I can collect, from a pretty close attention to all the papers which are before the House, and a review of the several transactions which they develope, these are all the allegations of grievances which can be collected from the case put forward by those who appear as the advocates of the insurgent colonists; and I think I must now have sufficiently demonstrated the utter hollowness of their pretences. But it is said,—(and it is a statement which, although the matter cannot be erected into a practical grievance, is calculated, perhaps, to create an unfounded and an invidious impression),—that, whilst the United States of America have rapidly expanded since the period of their separation from Great Britain, into their present prosperous and flourishing condition, Canada has been retarded in her social and political progress by her attachment to the connection with this country,—a connection which, it has been asserted, has crippled her energies, fettered her commerce, and altogether impeded the developement of her resources. And we have been told of the rapid advance of the United States of America, since—(after being, during so many years, colonial possessions of Great Britain)—they emancipated themselves from her dominion, as compared with their own slow progression previously to that event; and the equally slow advancement of the colonies which we still retain, since that time. I do not believe that there is any foundation for any disparaging contrast. I do, indeed, believe that there never was a more remarkable example in the history of nations, of rapid advancement in all that constitutes the true greatness of a nation, than that which has been furnished by the career of the American colonies of Great Britain, now forming the United States, during the last half century.

The duties claimed at the port of Philadelphia supply an illustration of this fact. In the course of the last fifty years, the duties claimed at that port have increased from 25,000 dollars annually, to 500,000 dollars a-year. But the foundations of the power and the grandeur to which these colonies have attained, were unquestionably laid by the fostering care of Great Britain, and it was during the term of her dominion over them, and under her protection, that the principles of their infant greatness were permitted and encouraged to expand themselves. In a memorable speech of Mr. Burke's on American taxation, the benefits which those colonies derived, under the rule of the parent state, are thus beautifully described: "Their monopolist happened to be one of the richest men in the world. By his immense capital, primarily employed not for their benefit, but his own, they were enabled to proceed with their fisheries, their agriculture, their ship building, and their trades too, within the limits, in such a manner as got far the start of the slow, languid operations of unassisted nature. This capital was a hotbed to them. Nothing in the history of mankind is like their progress. For my own part, I never cast an eye on their flourishing commerce, and their cultivated but commodious life, but they seem to me rather ancient nations grown to perfection, through a long series of fortunate events, and a train of successful industry, accumulating wealth in many centuries, than the colonies of yesterday,—than a set of miserable outcasts a few years ago, not so much sent as thrown out, on the bleak and barren shore of a desolate wilderness, 3000 miles from all civilised intercourse." Such was the condition, be it observed, of the American colonies, before they were emancipated. Surely it stands to reason, that in the infancy of a country it is far better that it should be connected with an old nation, where capital exists in abundance, where the habits of men have been matured by all the usages and influences of long-established civilisation, and the resources of social life have been fully called into action, than that it should be left to itself to struggle, unaided and alone, against all the difficulties inseparable from an early stage of society. Such has been the case of Canada, and what has been the real rate of her progress, which has been described as so tardy? If compared with the progress of the United States, its advance in all the elements of prosperity will be found to have been even more rapid than theirs. In 1775 the population of Canada was but 60,000; at this moment, it amounts, in Lower Canada alone, to 600,000, having been multiplied in sixty-three years 10 per cent. At the commencement of the American war, the population of the United States was 2,500,000, and at this moment it amounts, to 15,000,000, having been multiplied six-fold in that time, whereas the increase of the Canadian population has been ten-fold. How are these facts to be reconciled with the arguments of the advocates of the insurgents, who attempt to persuade the world that Canada has made no progress, and has derived no benefits from its connection with this country? Do Honourable Gentlemen recollect the progress which New South Wales has made, notwithstanding the peculiar disadvantages under which it has laboured? Against these facts it is impossible to contend, and I am justified in dismissing at once the supposition that the progress of Canada has been retarded by its subjection to Britain. If, therefore, it be true, as I believe it is, that no such grievances as those alleged by the Canadians as an excuse for rebellion can be substantiated,—and that, whatever defects remain in the internal constitution of Canada, or whatever hardships occur in the working of its administration, they are manifestly such as the Colonial House of Assembly itself ought to remove;—certainly there is nothing in the statements of Mr. Roebuck, and his friends in this House, which ought to deter it from taking measures to restore tranquillity, and re-establish the authority of her Majesty's Government in that province.

A word as to past times. Some Gentlemen on the other side have shown abundant disposition to cast discredit on all Colonial Administrations for their Canadian policy, excepting those which have existed for the last few years. I, myself, am no more personally connected with any of those Administrations whose policy has been thus condemned, than any other Gentleman on this side of the House; but I cannot refrain from expressing my conviction that great injustice has been done to them. But now, Sir, let us look a little at what this case of Canada is. Canada was originally a French colony, its inhabitants having no rights or privileges in the world, subject to the will of an absolute monarch, in whose government there was no trace of the principle of representation. It must be remembered that acts which would appear to verge on injustice and oppression in times, when our subjects in a colony are in the enjoyment of ample freedom and privileges are concerned, assume an altered character when considered in connection with the condition of a colony unaccustomed to any government but that of a despotic master. Now the Canadians, from being in a condition of this latter kind, have been transferred to a very different stage of political existence. They have been admitted to all the rights on which British subjects pride themselves. But I will refer to an authority which I believe will not be questioned for a description of the benefits which the Canadians have derived from subjection to British sway; and what are the words of M. Papineau (for that is the authority to which I allude on this subject)? I do not know whether or not the attention of the House has been called to this remarkable passage, for which, I own, I am indebted to so ordinary a source of information as the daily journals of the empire. I cannot, however, help adverting to this speech which was delivered by M. Papineau in 1820; and I presume that the testimony of that individual must be admitted to be of considerable importance, when it is recollected that the years which have passed since 1820, have been marked by one uninterrupted and long-continued series of concessions to the Canadians by this country; and that at least it must be allowed there is not even a pretence for alleging the origin of any grievance subsequent to that time. Speaking of George III., M. Papineau, says to the electors of Montreal —

> Each year of his long reign has been marked by new favours bestowed upon the country. To enumerate these, and to detail the history of this country for so many years, would occupy more time than can be spared by those whom I have the honour to address. Suffice it, then, in a glance, to compare our present happy situation with that of our fathers on the eve of the day when George III. became their legitimate monarch. Suffice it to recollect that, under the French Government (internally and externally arbitrary and oppressive), the interests of this country had been more frequently neglected and maladministered than those of any other part of its dependencies. In its estimation, Canada seems not to have been considered as a country which, from fertility of soil, salubrity of climate, and extent of territory, might have been the peaceful abode of a numerous and happy population; but as a military post, whose feeble garrisons were condemned to live in a state of perpetual warfare and insecurity, frequently suffering from famine, without trade, or with a trade monopolised by privileged companies, public and private property often pillaged, and personal liberty daily violated; when, year after year, the handful of inhabitants settled in this province were dragged from their homes and families to shed their blood, and carry murder and havoc from the shores of the great lakes, the Mississippi, and the Ohio, to those of Nova Scotia, Newfoundland, and Hudson's Bay. Such was the situation of our fathers; behold the change! George III., a Sovereign revered for his moral character, attention to his kingly duties, and love of his subjects, succeeded to Louis XV., a prince then deservedly despised for his debauchery, his inattention to the wants of his people, and his lavish profusion of the public moneys upon favourites and mistresses. From that day the reign of the law succeeded to that of violence; from that day the treasures, the navy, and the armies of Great Britain are mustered to afford us an invincible protection against external danger; from that day the better part of her laws became ours, while our religion, property, and the laws by which they were governed, remain unaltered; soon after are granted to us the privileges of its free constitution,—an infallible pledge, when acted upon, of our paternal prosperity. Now, religious toleration; trial by jury (that wisest of safeguards ever devised for the protection of innocence); security against arbitrary imprisonment by the privileges attached to the writ of *habeas corpus*; legal and equal security afforded to all, in their person, honour, and property; the right to obey no other laws than those of our own making and choice, expressed through our representatives,—all these advantages have become our birthright, and shall, I hope, be the lasting inheritance of our posterity. To secure them, let us only act as British subjects and freemen.

Is this testimony, I ask, of no importance? From whom does it come? I would not scruple to affirm it by an appeal to facts, if, instead of coming from M. Papineau, it had proceeded from the Governor of Canada, or the Secretary of State for the Colonies, or from the Commander-in-Chief; but, coming from him who has been the leading agitator of Lower Canada — coming from him who is now, I fear, the leading rebel, as he is now the leading fugitive, from Lower Canada, —is it not infinitely useful and important? I trust I have now disposed of the argument derived by the supporters of rebellion from the analogy of the revolt of the United States. With regard to America, however, I must confess that there are some points which have strongly impressed themselves upon my mind; because I find just such a resemblance between the two cases as is sufficient to mislead, and captivate, and lead away a careless or unreflecting mind, which has not paid due attention to the character of the facts in each case; but it is hardly a misstatement to say, that the two cases are similar in all points except their merits, and I fear I may add, also, as to their justice. The case of the United States is as different from that of Canada as any case can well be imagined to be from another. It is clear that there were grievances of a very peculiar nature in existence as affecting the American States, then our colonies, when they took up arms; taxation, for example, and other grievances, which would have made no inconsiderable figure in the long catalogue of Canadian wrongs. I will not take up the time of the House by endeavouring to establish facts of which I think there can be no doubt. The Americans of that day were inclined to do for the mother country all that Canada, at this day, will not do, and much that she has not even been asked to do. The grievances of the American colonists, especially that of taxation, were not redressed; while, of the Canadian grievances, there is none which Parliament has not removed, or which it has not declared its anxiety to remove. The Americans were willing to make greater sacrifices to preserve a connection with this country, than we have ever called on the Canadians to make. We have been negotiating with the Canadians to induce them to grant a Civil List for seven years: while, perhaps it will astonish the House to hear, that Dr. Franklin proposed to grant a Civil List for a century. Why, Sir, even years after the struggle of Great Britain with her colonies in America had begun, and active hostilities had been engaged in on both sides, those American States were anxious to return to the connection with Great Britain. On the other hand, in the present instance, the conciliatory overtures of the British Government to continue the connection with Canada have been rejected, with insolent contempt, by the leaders of the rebellion in that colony. The Americans, for no less than sixteen months after the war broke out, continued ardently desirous to preserve their connection with Britain; and when, at last, the declaration of independence was put forth and signed, several of their best and greatest men were averse to it, and were reluctant to be obliged to take that step, and expressed their regret that feelings of irritation should have carried their compatriots so far.

It is not a little remarkable, that one of the grievances of the Americans, as stated by themselves at the time, regarded the conduct of Great Britain towards Canada. But this grievance arose not out of her oppression of the Canadians, but out of her excessive liberality, or, as the Americans considered it, partiality towards them. In the first petition of the American Congress, dated October 6. 1774, (a remarkable document, issued by the Congress, and well worthy the attention of this House), the grievances of the colonists are stated to be the appointment of the judges and councillors during pleasure; the harassing restrictions imposed on commerce; the exorbitant duties levied arbitrarily under the Stamp Act, which is declared to be only an initiative measure; the stoppage of agents' salaries; the abolition of trial by jury, (in many cases, through the extension of the jurisdiction of the Admiralty Courts,—as they complain;) and lastly, the Act for extending the limits of Quebec, abolishing the English and restoring the French law, whereby great numbers of British freemen are subjected to the latter; and establishing an absolute government, and the Roman Catholic religion throughout those vast regions that border on the westerly and northerly boundaries of the free Protestant English settlements. Is it not rather hard that we should have the case of America thrown in our teeth after this, when one of the grievances urged by the American colonies, in justification of their revolt, was the amount and extent of the concessions and indulgences which had been shown by this country towards Canada. Strange as it may appear, the authority of Dr. Franklin is with us, on this occasion, to the extent of justifying the appropriation of the territorial revenue of a colony, by the Imperial Parliament, to the purposes of its government. In his examination before the Committee of Parliament of 1766 (an event memorable in the annals of this country, as having led to the repeal of the Stamp Act by the Rockingham Administration), Dr. Franklin was asked what he would do in case a colonial assembly should refuse the supplies. He answered, that—"He could not suppose such a case as that the Assembly would not raise the necessary supplies to support its own government. An assembly that would refuse them must want common sense, which cannot be supposed. If an assembly could possibly be so absurd as to refuse raising the supplies requisite for the maintenance of government among them, they could not long remain in such a situation; the disorder and confusion occasioned by it must soon bring them to reason." Thus, it appears that the mind of Franklin was far in arrear of the advanced intelligence and increased lights of our political economists of the nineteenth century. The next question was,—was a right to be used, on the part of the Imperial Government, to provide the remedy, in such a case as this (of a refusal of the supplies)—but only to be exercised in that specific case of necessity? His answer was, "A right to be used only in such a case I should have no objection to, supposing it to be used merely for *bonâ fide* purposes connected with the good of the people of the colony." Therefore, I hurl back the name of Dr. Franklin as authority against those who have avowed themselves the apologists or the advocates of this insurrection; and I say that, so far from that great name being any authority upon their side, he is, in point of fact, and by his express declaration, an enemy to the very principle of those proceedings out of which a state of affairs has arisen to compel us to sanction the present measure. I would ask, then, in sober sense and all humbleness, does there now remain before us anything deserving to be called a grievance in Canada? If there be, I would proceed immediately to redress it. I care not whether rebellion is rearing its head in triumph, instead of sinking into extinction, — whether the British arms have been covered with that disgrace which some Honourable Members have been charitable enough to wish might befall them, instead of (which I apprehend to be nearer to the fact) having extinguished this rebellion; — but, whether that be so or not is a matter that can make no difference in the merits of the case, and ought to work no change in our wish to conciliate hostile feelings, and heal the wounds of civil discord. I regard with indignation the political morality of the Honourable Member for Kilkenny (Mr. Hume), who now disavows his friend Mr. M'Kenzie, and says that M'Kenzie stands convicted of rebellion.

Mr. HUME. — No, no! not so.

Mr. W. GLADSTONE. — I will appeal to the eyes and ears of all who heard the Honourable Gentleman's speech, whether the whole gist of that speech was not this, that rebellion was only to be justified where it was successful, and where successful, was always justifiable.

[Loud cheers from both sides of the House.]

I care not for any prophecy we may be assailed with from the other side of the House. I look forward with confidence and hope, founded on the justice of our cause, and I feel a conscious assurance that our own strength will vindicate that cause; in the great hand of God it is that we stand, nor do I fear for the ultimate triumph of justice, nor yet do I fear that I shall see the day when, as Mr. Roebuck yesterday expressed himself "the last British vessel shall leave the shores of Lower Canada amidst the curses and execrations of her people." I do not know what may be the anticipation of Honourable Gentlemen opposite with respect to the issue of the present contest with Canada, but it may be very different in its effects upon the trade of Canada and Great Britain from that which he seems to contemplate, even should that separation, which he desires so much, eventually take place. But I must say, the learned gentleman (Mr. Roebuck) at least seems to have forgotten that in the space of a few years after the separation of the American colonies from the dominion of Great Britain, our commerce with America was flourishing more than at any former period. Honourable Gentlemen on that side of the House are called upon, I think, to give their aid in providing for the exigency of the period; and I will beg the attention of the House while I offer a few remarks in explanation of the two causes which are assigned to us, to induce us to suspend — and in my opinion, call for and justify the proposed suspension of —the constitution of Lower Canada. One is, that the supplies have been suspended; the second, that revolt has occurred. I admit the force of the argument. Under the circumstances of the case, the necessary consequence is, that, however reluctantly, we must, though for as short a time as possible, suspend the constitution of Canada; but standing here as a Member of a British House of Commons, and remembering, as I do, that England has ever been accustomed to extend as far as possible to all states and all people the privileges and benefits of free and equitable institutions, I feel that I must not omit to inquire what have been the causes which have, by an unfortunate concurrence of circumstances, led to those disastrous results, and the fatal necessity for that proceeding which we are compelled at this moment so deeply to deplore? I shall state my sentiments fairly, but freely, on this subject, bearing as they do, on the conduct which has been pursued by her Majesty's Government from the very origin and throughout the whole chain of those transactions. I should be glad to have my opinions upon this question proved to me to be erroneous. I should be glad to have them proved to be unfounded. With the apprehensions, however, which I entertain, it would be dishonest in me not to proceed manfully, I hope, and distinctly with the discussion. It is clear to me, that but for their conduct, we should not have had these scenes of organised revolt and violence; and no small responsibility, on that account, seems to me to rest upon the head of the Noble Lord. It cannot be forgotten that, last year, advice was given in this House, in a speech of great power, that the Act of 1831 should be repealed. That was condemned as precipitate, and it was rejected; but if it had been adopted, the consequence would have been, that the supplies would not have been stopped, and so far a revolt would, perhaps, have not occurred. From these papers, Sir, it does appear to me, that with any degree of ordinary vigilance and discretion on the part of the Executive, this revolt would not have happened, the blood of these men might have been spared, and the privileges of the people need not have been violated. What is the statement given by Lord Gosford of the course which he thought proper to take? I am fully aware that that Noble Earl stood in a situation of great difficulty; and under the circumstances of such a position, a mere error of judgment cannot fairly be made matter of imputation upon the Noble Lord. But what I have to complain of in Lord Gosford's conduct, as I collect it from his correspondence, is, that whilst that nobleman, by his own account, was in a state of great embarrassment and uncertainty as to his proceedings, labouring under one difficulty to-day, and another doubt to-morrow, he does not give us any facts upon which we can form our judgments as to the extent of such difficulties, or the wisdom of the steps adopted by him in consequence. He does not tell us, for example, on many important occasions, what passed between him and Sir John Colborne. I find that he constantly gives us conflicting statements, not only in one and the same despatch, or letter, but in one and the same sentence of such despatch. Thus, on the 2d of September he writes a despatch, in which two sentences occur, the one close upon the other; and in one he says, "I do not believe that there is any just ground of alarm," and in the other he writes, "I am disposed to think you may be under the necessity of suspending the constitution." How is it possible to suppose that any one in the position of the Noble Lord, being in the possession of his sober senses, could make these contradictory statements? I could understand that there might be an error on the part of the Noble Lord in the first statement; but how he could string together, and consecutively, such heterogeneous views, how he could exhibit in one breath such inconsistent judgments as are here displayed, is to me quite inconceivable. In the next letter Lord Gosford speaks of the ultras of both sides struggling for ascendancy; but I must say, I know of no such party; but for my part I should be disposed to call him an "ultra," who at one and the same moment sees no great cause for alarm, and yet is disposed to think there may be a necessity to suspend the constitution. I defy any man to reconcile two such statements. But small as was the information as to the state of the country conveyed in these two despatches of the Noble Lord, does it appear that the mist clears away as time advances? No; no such thing. On the 12th of October, 1837, nearly six weeks after the date of the former letter, Lord Gosford states, strangely enough, that he has declined the proposal of 300 inhabitants of Quebec, who had tendered their services to her Majesty, requesting, in consequence of the state of the province, to be allowed to enrol themselves as a volunteer corps, because he thought it might have proved a dangerous demonstration; and so Lord Glenelg himself, writing to Sir John Colborne, after having promised him two regiments, changes his mind, and states in one of his despatches, that, though he had at one time entertained thoughts of sending over this force, in addition to the troops already in Canada, yet, on further deliberation, he had resolved otherwise, because he was apprehensive that their appearance, too, would be regarded in the light of a "demonstration" on the part of Government against the people.

Now, what course could be a stranger one than this? Lord Glenelg would not make any demonstration of military force. But what were the resolutions, allow me to ask, of last Session, if not in the nature of a demonstration? Then, I say, that that demonstration, namely, that which was afforded by the resolutions, ought to have been supported by other and analogous measures; and that nothing could be more unwise, or inexcusable, than for Lord Glenelg to be seized with this reluctance to make a military demonstration in support of those resolutions. Nothing could be more irrational than for the Noble Lord to send out a despatch, treating in this manner active demonstrations of a military character, seeing that the resolutions in themselves were demonstrations tending directly to exasperate the minds of the Canadians, by avowed infractions of their rights as British subjects. Common sense, and not only common sense, but common humanity, ought to have dictated the expediency and necessity of accompanying such a declaration of the Imperial Parliament by the immediate provision and corresponding "demonstration" of a sufficient military force, to impress upon the minds of those who might be disposed to join in the revolt which has broken out in the colony, the salutary conviction that revolt could not be undertaken with impunity, or maintained with success. But in the same despatch, dated the 12th of October, p. 65. of the printed papers before the House, Lord Gosford, after referring to the difficulty of arriving at certain information on the state of the two provinces, writes thus:—"Many rumours are in circulation; one, that it is intended at this meeting to issue a declaration of independence; and another, that the plan is to wait till the navigation closes, and the winter sets in, and then to commence active operations, when the military can receive no assistance or supplies from without. I do not, myself, credit these reports," — this may have been a mere error of judgment on Lord Gosford's part,—" nor yet apprehend any serious disturbance." Yet, in the very same page, on the same day (the 12th of October), nay, even in the very next sentence, he writes, " It is proper that I should represent to you the inadequacy of the powers at the disposal of the local Government for meeting the difficulties that surround it. The only way to conduct the affairs of the province, is at once formally to suspend the constitution." Here is a proof, and, I think, a melancholy proof enough, that the Executive in Lower Canada have not discharged their high and important functions in such a manner as to merit the approbation of this House. But there is something in the despatch from Lord Gosford of the 6th of November, 1837, which, I think, will appear still more remarkable. It is there stated, for the first time, that he has any knowledge of the existence of disturbances in the colony. But he had been apprised by Sir John Colborne long before, namely, on the 6th of October, what was in progress, as the House will see in a letter of Sir John Colborne's, which is printed at page 66. of these papers. In that letter, of that date, Sir John Colborne writes to Lord Gosford what follows, and the passage is sufficiently remarkable: — " In my correspondence with Colonel Eden, I have had occasion to refer to the facts and reports that establish the decided character which the agitators have lately assumed." This refers to the large bodies of the seditious who were openly drilled in military tactics every Sunday, in and near the city of Montreal. I understand, and I must express my astonishment at the intelligence, that nothing has been heard of this correspondence at the Colonial Office. I am surprised to hear that it has been said, either that this correspondence cannot be found, or that it has never been sent home by Lord Gosford; or, again, that when it was discovered that the correspondence had never reached England, the authorities at the Colonial Office had not sent out immediate inquiries for it to Canada. No attempt whatever appears to have been made, whilst Lord Gosford was writing in this contradictory style, no pains seem to have been taken to obtain from this and other sources, as, for instance, from communications with Sir John Colborne, who must have had many opportunities of becoming fully acquainted with the real state of things, some better information, some more certain intelligence, as to the actual dispositions of the people at that time. That Sir John Colborne had the means of acquiring this information, and that he had made Lord Gosford acquainted with his views, may be seen from his letter to Lord Gosford of October 6th, 1837, where Sir John observes, " The game which M. Papineau is playing cannot be mistaken; and we must be prepared to expect, that if 400 or 500 persons are allowed to parade the streets of Montreal at night, singing revolutionary songs, the excited parties will come in collision." Now, of such a warning as this, ought no notice to have been taken? Were there no extraordinary precautions which could be adopted in reference to such a state of things as this? If I am told that the forces in that country at the time were insufficient to prevent tumult and overawe the people, then let those persons, who urge this, explain to me how it is that, at that very same moment, Lord Gosford chose to refuse the voluntary offer of these loyal inhabitants?

With respect to the question on which so much has been said, of sending out more troops to Canada,—without pretending to any knowledge as to the military considerations belonging to the subject, I beg to state that my impression upon that point is, that all the troops were not employed that were in the province; that the peace was not kept; and though the use of a military force could not have prevented the stoppage of the supplies, or the passing of the resolutions of the House of Assembly, as has been said by the Noble Secretary at War, yet still there were certain intermediate and preliminary attempts, previous to these grand measures of the malcontent party; such as the drillings every Sunday, and certain preparations of houses, which I do think might have been beneficially put down by the interference of an armed force,—seeing that, as an Honourable and Gallant General has informed the House, these measures must, in the nature of things, have occupied a considerable time in their preparation. It is worthy of remark, that these meetings and drillings must have been going on for some time before Government were informed of their existence; in reference to which Lord Gosford states, under date of November 6th, 1837, writing to Lord Glenelg, page 94. of the printed papers:— " My two last despatches will have given you some idea of the political state of the province. Since those communications were written, the plans and designs of the seditious have become much more apparent; and I regret to say that their efforts and activity are producing results, to arrest which, requires the adoption of much more vigorous and decisive measures than it is within the power of the Executive Government to put in force; large bodies of them are openly drilled in military tactics every Sunday, in and near the city of Montreal." Now, the expression "every Sunday" shows that he knew that this had been a practice existing for some time. It is true this may be considered an inference which rests on very slight grounds; but, if I am obliged to draw my conclusions from vague expressions, that is not my fault; it is because that kind of information is all the Government has been pleased to afford us in these papers. But I contend, from the use of this term, "every Sunday," that the first information of these practices which was sent home could not date from their commencement, but after they had become so fully established as to be regularly going on every Sunday. But even then, on the 6th of December, on the very day on which this collision takes place, for which the Noble Lord was not prepared, he does not say that measures had been taken to prevent and put down these seditious meetings, which he had permitted to reach such a height, and were still continued. If the representation of the Government, themselves, on this head be accurate, it results that the Governor of Canada permitted the law to be defied, — permitted the authority of the Crown to be set at nought, — if he permitted the minds of the peaceable inhabitants to be disturbed, he did tolerate a state of things in which loyal persons, as we know from the papers on the table, were compelled to grant illegal bonds, and to put their names to petitions containing expressions which, in their souls, they abhorred;—I say, that he permitted those things to take place, having, at the same time, the means in his hand of maintaining the authority of the law and the dignity of the Crown. And yet, Sir, the Noble Lord allows all this to take place without having resort to any effectual efforts at putting down, with a strong hand, the progress of disaffection and discontent. Am I not justified, therefore, in coming to this conclusion,—in saying, that independently of the question of the sending out, by this Government, a sufficient force to protect our interests in Canada, there arises a question, on which we must have a definitive and intelligible answer, in order to make out the full vindication of her Majesty's Government, according as they shall be able to dispose of it fully and satisfactorily, or otherwise? Whether there were 20,000, or 40,000, or 50,000 troops, or any other number, in Canada, it matters not — it is of no consequence, if they were never used. Did, then, Lord Gosford make any experiment, on the result of which he could ascertain whether his forces were sufficient or not to keep the people in awe? Her Majesty's Government tell us that there is no question on that subject, and can be none in the minds of any reasonable men. That may be probable, or it may be certain. On that point I do not pretend to decide whether the forces Lord Gosford had at his command were quite sufficient to put a stop to those drillings which he himself said tended to nothing but a violent revolution. But what I stand on is, that here the law was notoriously and constantly violated, — that illegal practices were permitted, — that violence was exercised by armed men, in a state of insurrection, — and that, with all this passing before him and around him, Lord Gosford does not interfere to protect the people, or to put down these unlawful assemblages. Not only does he not interfere, as he ought to have done, with the forces he had at his command, to put a stop to these things,— not only does he not send home careful and detailed intelligence, from time to time, of these proceedings to her Majesty's Government, — but he leads them to suppose, during a long interval, that nothing at all is amiss as to these matters, until he is, at length, obliged to announce to them the astounding fact that these seditious practices and these drillings are going on "every Sunday,"—thus clearly admitting that this alarming state of affairs had been for some time in existence.

I believe, then, I am justified in saying, that the Government here must take upon themselves the responsibility for these acts of Lord Gosford. I am supported in this belief by the testimony afforded by Lord Glenelg himself, in a letter in which he uses very strong terms of approval of the Noble Earl's administration in Canada, at the same time that (I am now referring to the despatch, dated 27th of November, 1837) he accepts Lord Gosford's resignation, on a very singular ground indeed. Lord Glenelg, in this letter, in expressing his gratitude and that of his colleagues in the Ministry for the Noble Earl's conduct, accepts the latter's resignation on the ground that he (Lord

Gosford) has been too much mixed up with previous events in the colony, pending the troubles which had taken place, to be capable of administering its affairs under the new system of measures about to be entered upon. On the part of her Majesty's Government, Lord Glenelg, in substance, compliments Lord Gosford (for I will not stop to comment at any length) on the good faith, the temper, fidelity, and discretion with which he (Lord Gosford) has acted in endeavouring to carry out the liberal policy of Ministers under the most discouraging circumstances; and says this attestation in favour of the Noble Earl had been repeated (as undoubtedly it had been repeated) by the organs of her Majesty's Government both in this and in the other House of Parliament. I believe that this is the effect of Lord Glenelg's despatch. Now, surely, if the ground thus assigned for accepting the resignation of Lord Gosford was good as to the case of that Nobleman, it must be allowed to apply with still more force to the case of Lord Glenelg himself. I have not wished to make these remarks in any captious spirit. It appears to me that the justification of them arises out of the papers before the House. I think that, on the whole, these papers show that it would have been easy to put a stop to the beginnings of that which subsequent eruptions have rendered it much more difficult to smother; that much violence might have been averted; that the effusion of blood might have been avoided; and that the House might have been spared the much more painful task of delivering over the liberties of the people of Canada into the hands of a single Dictator. I will not, at this late hour of the night, detain the House by expatiating on these melancholy topics and details. My object is, rather, to get all the light I can on this question from those whose abilities are far more qualified to supply it than mine. The matter is one of vast importance and difficulty, and as such I commend it to the best attention of this House, after having thus ventured to declare my own impressions upon it; and however feebly I have done so, I feel that, at least, I have stated my sentiments fairly and fully on this extensive subject. I now return to the Bill before the House; and I would say, that there can be no question but that, in some shape or other, we must have some Bill to suspend the constitution of Canada, because, in effect, that constitution is suspended already, and is attested to be so, as appears from a despatch of the Noble Earl, by the insurgents themselves; and, indeed, similar to this was the expression of the Noble Lord opposite, who stated that that constitution was already suspended. The case of necessity for such a measure has already received, therefore, the strongest testimony. In giving my vote on this occasion, I am ready to support the Bill now before the House; but, at the same time, I am bound to confess that it does appear to me that there is more in it than the necessity of suspending the constitutional rights of the people for a time required to be introduced into it of an objectionable nature. I cannot help thinking that there is no necessity that Parliament should divest itself of its authority in order to confer on an individual arbitrary power. I do not hold it fitting to confer such powers on any individual whatever, as shall enable him to pre-judge all questions, almost, which can arise in the colony, before they can be decided in this country; and I must confess I have been astonished at the manner in which Gentlemen, usually professing and promoting Radical principles, have received the announcement of this Bill. I have been astonished at their extreme satisfaction.

When I look back to the way in which those Honourable Gentlemen acted on the introduction of, and during the debates on, the Irish Coercion Bill, which had for its wise object simply the restoration of peace, but which did not interfere with the constitutional privileges of that country, except in so far as the outrages which it was necessary to suppress had a direct bearing against the constitution,—when I remember the obstinate resistance given by both English and Irish Members to that Bill, at every stage of it, and now see a Bill before us which will interfere in a tenfold greater degree and extent with constitutional privileges, and yet perceive that there are scarcely six men in the House (and they were discovered by Mr. Roebuck) out of it,—

[Opposition cheers and laughter.]

that there are scarcely six men in the House who object to this alarming Bill,—I ask myself, with astonishment, how is this? It really seems as if the name of Lord Durham had produced a most extraordinary sensation—as if it had acted like magic on certain Honourable Gentlemen. When I find at this moment, that that Noble Person gleaming on them, like a phantom through the storm, appears to still their jealous and eager vehemence, the effect reminds one, irresistibly, of the rising of the twin stars of old, —

Concidunt venti fugiuntque nubes.

[Loud cheering from the Ministerial and from the Opposition benches.]

Nothing but compliments have been paid to the Government who selected him, and wreaths of flowers are plentifully strewed in his path! Many wonderful things have happened in the nineteenth century, and we have witnessed many within the four walls of this House; but I have never known one, in my short experience, which has affected me with so much astonishment as that which I have seen and heard to-night. After all, then, it seems that arbitrary power is not, under all circumstances, objected to by Honourable Gentlemen on the other side. Yet, this Bill confers more arbitrary power on one individual than was ever before given by this House. This Bill throws back the Canadians, as to their personal and public rights and liberties, to a state more intolerable and unimproved than those of the English people under Edward III. It seems to me, that the objection of the Gentlemen opposite is not so much to arbitrary power in itself, as to the hands in which it is placed. In point of fact, it appears that they have rather a liking for the thing; only it must be put in the hands of those in whom "they have confidence."

[Loud cheering.]

Oh yes! this is absurd enough. It shows how ludicrously extremes meet. This is just the cry of the absolutists. They do not say that they object to absolute power, but they do not approve of absolute power in the hands of democrats; and democrats, I now find, do not object to arbitrary power, but object to it in the hands of absolutists or sovereigns: but while democrats are not reluctant to see it possessed by those between whom and themselves they assume there exists a sympathy, on the other hand, the absolutists do not object to individuals being invested with it who profess their own opinions. I do not think it of importance to enter now into the details of the Bill, and I have confined myself, as well as I could, to the general features of the case. While I admit the painful necessity that is on us, I am inclined to believe that some share of blame, — I cannot determine the amount, — is chargeable against those who have been intrusted with the administration of these complicated and difficult affairs, — difficult I certainly consider them to be, and I shall be glad if the parties to whom the responsibility belongs can make out their complete vindication; I shall rejoice if they can satisfy the House and the country that the inefficient administration of the powers of the colony has not been among the causes of the painful state of things that has arisen, and of the distressing necessity for suspending the Canadian constitution.

The CHANCELLOR of the EXCHEQUER. — I am sure that the Honourable Gentleman who has just sat down owes no apology for the length of time at which (he says) he has addressed the House. I am equally certain that it is impossible to complain of any part of the speech of the Honourable Member, without bearing testimony, at the same time, to the distinguished ability which was displayed in other parts of that speech: I may, however, also take leave to say, that while a speech may be very able, yet it may not deal fairly with the question under discussion; and thus the Honourable Gentleman (Mr. Gladstone) will allow me to observe, that the latter portion of his speech, if not in its intention, yet in its tendency, was calculated to mislead. It appears to me, that the tendency of that speech, and of the speeches of other Honourable Gentlemen opposite, was, to encourage Honourable Gentlemen on this (the Ministerial) side of the House to come over to the relief of that small minority to which the Honourable Gentlemen had previously alluded. The Honourable Gentleman has, under a false and mistaken view of the circumstances of the transaction, drawn and argued upon a supposed analogy between the case of the Coercion Bill for Ireland and this case of the Bill for Canada; and then, acting upon what I hold to be a very false and limited view of consistency, he appeals to them, on the ground of their vote on the Irish Bill, to co-operate with him in raising the small minority on that question to a majority of sixty or seventy on this. I humbly deny the analogy which he has attempted to establish. I do not say it was the intention, but it certainly was the tendency, of the Honourable Gentleman's speech to produce such a result. But I will now take the next portion of the speech,—that which contained charges against her Majesty's Government on the score of their colonial administration. Sir, there is no portion of her Majesty's Government, no individual Member of it, who is disposed to shrink from the entire and full responsibility of every one act which has been done by Lord Gosford. We stand pledged to the approval which we have expressed of Lord Gosford's administration; and, undoubtedly, no individual can feel greater or higher pleasure in according praise to Lord Gosford than one who has long been united in terms of intimate connection with that Noble Lord. I would ask the House, whether the Honourable Gentleman opposite has dealt fairly with the correspondence of Lord Gosford? He has referred to a particular despatch, and then says, "What can be so contradictory, so inconsistent, or so inconclusive as the statements here made, by Lord Gosford, in one and the same despatch? Lord Gosford, in one part of this despatch, admits that he does not conceive there is any ground for alarm; and yet, in the next sentence, contradicts himself by suggesting, as a result unfortunately probable, that the Government may be under the necessity of suspending the constitution. Why, to me this does not appear to involve any inconsistency. Lord Gosford, in one passage, admits that there is no immediate cause of alarm; yet, in the other, suggests a possible different result. If the Honourable Gentleman had attended, with the same pleasure and instruction which I did, to the speech made by the Right Honourable and Learned Gentleman on my right, he would find that that distinction was taken by that Right Honourable Member. Lord Gosford had said, that he apprehended no immediate danger from physical force,—no outbreak requiring military interposition. It was perfectly consistent with that to say, that there might, however, arise a necessity to have recourse to a new system of things. Suppose that no outbreak had taken place at all; that there had been no insurrection; but that steadily, from year to year, the House of Assembly and the civil functionaries of Canada had refused to give their support to the Government of Canada in the administration of affairs;—would the Honourable Gentleman hold that, in such a condition of circumstances, the necessity contemplated by Lord Gosford would not arise?

At that period, it should be recollected, that it was not simply a stopping of the supplies which had taken place. It should be recollected that all the ordinary functions of civil government in the province were then about to be suspended; that the Canadians, instead of resorting to the authorised and recognised tribunals, had already proceeded to the election of justices of the peace of their own, had empowered to act civil officers of their own appointment, and had, in defiance of the Government, commissioned militia officers of their own appointment. I should like to ask the Honourable Gentleman whether, if such a state of things were permitted to continue, it would not be necessary to have recourse to the supreme authority of the State? I will maintain that, though Lord Gosford did not deem increased military support necessary, he might yet properly consider that a case had arisen calling for the interposition of this House. If that distinction be recognised, the House will easily see the perfect consistency there might be in denying that there was any danger from physical force, and, at the same time, in expressing an apprehension that the necessity for military support might, in a certain contingency, arise. I rejoice that this charge has been made against Lord Gosford, and those who participate in the confidence that has been reposed in him. I rejoice, I say, that the charge adduced against her Majesty's Government in Canada, is, not that we have acted precipitately, and thus plunged matters into a state of disorganisation and confusion,—but that we have acted with forbearance and caution and temper; that we have, as it were, exhausted patience, and waited till the last moment for forbearance had arrived, (so that there was no longer any hope that conciliation could be successful, and the nature of the case had become such as, in the opinion of every candid mind, to warrant the necessity of the step,) before her Majesty's Government have come down to the House to recommend measures of severity and coercion, which, otherwise, they would not be justified in having recourse to. The Honourable Gentleman has said, that if Government had followed the advice given them last year, by acting, at once, upon the resolutions, and bringing in a Bill, all the present difficulty in this case would have been spared. Does the Honourable Gentleman sincerely entertain that opinion? I ought not to doubt his sincerity. But does he seriously think, upon reflection, that he could sustain that opinion? Does he think that, in that case, we should have accomplished the object of tranquillising Canada? He says, our resolutions were insulting to the Canadians; but would not the repeal of Lord Ripon's Act of 1831 insult them also? The argument is, that we should have repealed that Act in the last Session; but if that had been so,—if the repeal had caused a rebellion,—how would the responsibility of Ministers have been lessened?

What was the course which we took last year? We took a vote of the public money, — not of Canadian money, — but a vote of money from this House, for the purpose of paying the servants of the Queen, in Canada. Now, the argument of the Honourable Gentleman, upon that subject, is this: — "By your own act you have made yourselves responsible for whatever has since occurred." But, if that proceeding has occasioned this outbreak, what would have been the effect of a measure less necessary and more obnoxious to the Canadian people? But if the act we did take was one more salutary and better adapted for carrying on the public service, whilst, at the same time, it was indispensable to the carrying on of that service, it surely constituted no grievance which could have been expected to array a large portion of the Canadians in revolt against our Government. The Honourable Gentleman has been kind enough to say (though his argument would tend the other way), that he does not believe Government was deficient in precaution as to providing a military force in Canada. We thank him for the generous concession he has made *to* us; but, fortunately for us, we have in our favour, the higher authority of a most generous political opponent, and which, on such a subject, is the highest, not in this country alone, but, I may say, in the civilised world; and it is to the effect, that no imputation rests upon the Government for their military measures in Canada; and thus the concession of the Honourable Member for Newark becomes of little value. The Honourable Gentleman might have spared the insinuation at the end of his speech, and the argument which called it forth. From Sir J. Colborne and the military authorities in Canada we have received no complaint of a want of military support; but, on the contrary, acknowledgments that the Government had shown themselves ready to anticipate all their demands. When the Duke of Wellington, at home, and Sir John Colborne, in the province, have brought no such charge against us, — have found no fault with her Majesty's Ministers, on the score of having made an inadequate provision of military force in the colony, — we are quite willing to stand the brunt of all the taunts of the Honourable Member for Newark. But, even if these authorities had not been with us, then I should say, that had we poured a great military force into Canada, not to repress disturbance, but for the attainment of some political purposes, then, indeed, we should have felt a deep responsibility, and might well have shrunk from the taunts of the Honourable Gentleman opposite. But I must again complain that the Honourable Gentleman has not dealt quite fairly with us, in his citation from the despatches. That Honourable Gentleman has referred to the despatch of Sir John Colborne, dated the 6th of October, as one which gave the Government a warning, and should have induced them to adopt precautionary measures. The Honourable Gentleman relied, here, on the military authority of Sir John Colborne.

There is one part of the despatch of Sir J. Colborne, to which, however, he did not think proper to refer. Will the House allow me to read one passage, which he thus excluded? It is this (under date of 6th of October): "The great mass of the Canadian people could not be induced to take any active part in these proceedings." When such a statement, and such an expression of opinion, came to us from the highest military authority in the province, it is evident that we cannot justly be obnoxious to the charge that we could not be induced to send out a large military force. Undoubtedly it would be presumptuous upon my part to dilate on the general merits of the question here under the consideration of the house; for with very few exceptions, and whatever difference of opinion may exist as to the propriety of our maintaining, at the time I have alluded to, a large extraordinary number of troops in the colony; the absolute and unavoidable necessity of the measure we have now submitted to Parliament has been admitted by Gentlemen on both sides. As to the leading principle of the Bill, namely, the suspension of the constitution of the year 1791, there has been no great difference of opinion expressed in this House. It would ill become me, therefore, more particularly at this late hour of the night, to occupy your attention for any great length of time. But I hope the House will excuse me, if, for a single moment, I take the liberty of setting them right as to a portion of the argument made use of by the Learned Gentleman who appeared at the bar to oppose the Bill. I shall not do this, I can assure Gentlemen, so much because the matter relates to myself personally, as because I wish to give the House an opportunity of judging for themselves, by one illustration, what degree of value and accuracy they should affix to the statements which have so been made at the bar. The learned gentleman at the bar stated, in referring to the short period of time during which I was Colonial Secretary of State, that I had practised a deception on the Canadian deputies, which led to the subsequent refusal, by the House of Assembly, to vote the supplies. On a former occasion, it may be recollected, I had the opportunity of discussing this question, face to face, with Mr. Roebuck. I shall, now, not speak with any acrimony of observation, or any asperity of feeling; but still I propose shortly to state to the House the real facts of the case. I accepted the office of Secretary of State for the Colonies, in the month of April, 1834. The committee which had been appointed to investigate the grievances that the Canadian people complained of was then sitting, and two deputies from the House of Assembly of the Lower province, MM. Morin and Vigier, were attending, in London, its deliberations. A Bill was then pending in this House for the suspension of the Act of 1831, commonly called Lord Ripon's Act. Upon accepting the seals of office I became a member, and was appointed chairman, of that committee. I stated to the committee the fact that they desired to be received by me, before they were actually admitted to an interview at the Office. It was the wish of several gentlemen on that committee that I should receive the deputation accordingly. And I did receive the deputation, together with the learned gentleman by whom they were accompanied, with all the confidence with which I thought they should be dealt with, and all the fairness in which such a discussion ought to be entertained; and this I did, there not being present at the interview one solitary individual on my part. I stated that I was not willing to carry on a Bill to which they objected, — without greater experience and greater knowledge of the affairs of the colony than five weeks' possession of office had yet afforded me. I said to them, "Give me the means of forming an accurate judgment of the state of Canada before I act." Then, I said to the deputation, "But will you undertake to promise, if the proposed Bill be abandoned — you, the House of Assembly, will pass a supply Bill, for the payment of the arrears?" I was told by those gentlemen, that they had no doubt that the Bill for the supplies would be passed. I stated also, that, disapproving as I did of the course Lord Dalhousie had taken, I would never have recourse to such a proceeding. It is hardly to be believed, — the House will scarcely give me credit for the statement when I make it,—and yet the fact is undoubtedly so,— the honourable gentlemen, with whom I had had this communication in confidence, made all these matters public in all the newspapers of America! and this, too, in contradiction to the declarations which they had made to me. Nor was this all: — they founded this subsequent breach of their own solemn word and engagement on a statement absolutely untrue, which had been published in a newspaper.

There was another charge which was absolutely untrue, although suggested in a subsequent debate in this House. It was, that I had promised, distinctly, that the money should be refunded by the mother country. The very contrary of this was stated, expressly, in a despatch which I myself had addressed to the House of Assembly. I caused it to be laid before that House the moment it got out to Canada. Could it be believed that I would violate my solemn engagements, in the first place, and afterwards have directed the proofs of that violation to be laid on the table of the House of Assembly, of which these gentlemen, MM. Morin and Vigier, were members? By its absurdity the charge at once refutes itself. I am happy to say that I have but one or two words more to trouble the House with. We have heard the charges made at the bar by Mr. Roebuck, against the mother country, founded upon the whole of the acts of the mother country in the relations between Canada and herself, from the conquest of the former to the present time. I thank the Honourable Gentleman who spoke last for the great ability of the observations with which he favoured us in vindicating the liberality of this country in her general policy towards the colony. The arguments which the Honourable Member drew with so much power and felicity from the evidence of Dr. Franklin, are of the utmost importance for the best consideration, not only of every Member of this House, but of the whole community in every part of the country, over which I heartily trust a good report of his very excellent speech will be speedily disseminated. But I, also, have testimony of some importance to offer upon this head. I do not, indeed, intend by any means to compare the witness whom I shall produce with Franklin, a man between whom and the individual I speak of, it is most true that no sort of analogy or comparison could be shown. My witness is one who, in 1834, had no hesitation in stating his conviction that "the most anxious and earnest anxiety existed in the Home Government to carry into effect the suggestions of the committee of 1828," and that "the endeavours of the Government to that end had been unremittingly guided in all cases by the interests of the colony." I could not express in a more decided manner my approval of the conduct of the Government from 1828 to 1834, than in such a sentence as that. Members of Parliament must not be surprised that I fail to disclaim my witness upon the present occasion, while they must be surprised that I, in my turn, have not been quoted by the learned gentleman at the bar, ——

[Cries of "Hear, hear!"]

for my witness is no other than Mr. Roebuck himself. Mr. Roebuck was a member of the committee, and was a party to that Report in which it was thus so generously felt and so liberally declared that there had existed an earnest and anxious desire on the part of Home Government to carry into effect its intentions for the advantage and interest of the colony. I thank the House for the attention with which I have been listened to. My first wish was to vindicate Lord Gosford, and also to vindicate the Government; and beyond this I desired, too, to call the attention of the House to the conduct of the learned gentleman who has been heard at the bar, and to cite that learned gentleman's authority against his own arguments, as being, perhaps, the most satisfactory mode of refuting his most unaccountable misrepresentations of the course I have taken, formerly, on Canadian affairs.

SIR R. PEEL. — I gave, on a former night, my cordial and unhesitating support to the address which was brought in by the Government, pledging the House to the support of her Majesty in her attempt (I hope a successful one) to put an end to a positive revolt which has broken out against her authority in Canada. I am now called upon by her Majesty's Government to take into consideration a measure of a totally different nature — a measure for the suspension of the constitution and privileges of the people of an important province. It is my intention, also, after mature reflection, — but yet (I admit) with great reluctance — to give my support to the proposition now under the consideration of the House. I give my support to that proposition because I can find no safe alternative to which I can resort. If I had any doubt about the justification of this measure,—if I saw any other practicable mode by which I could escape from the pressing and peculiar difficulty of the position of the Queen's Government in Lower Canada, —any other mode of arranging the differences which have unhappily arisen between this country and that colony, I should be induced to withhold my assent from the present Bill. But I consider that the measure is justified, in point of equity, by the conduct of the House of Assembly of Lower Canada; and I see, in point of prudence, no other course which, under present circumstances, I could support. I should deeply regret if our justification before the House and the world rested on a minute inquiry into the acts and proceedings of the Canadian House of Assembly. My justification rests on the simple, plain, and intelligible ground on which I gave my support to the resolutions of last year. Five years have now passed since the popular Assembly of Lower Canada has wholly refused to make any provision for the carrying on of the civil government of the colony. Five years have now passed since the judges of the province, the civil officers, and the public functionaries of all kinds connected with the administration of the civil government of Canada, have been left without that provision, to the grant of which the faith and honour of the Government were pledged. What course, then, are you to pursue? It is surely impossible to leave the public officers of the State, the judges of the land, and the other civil officers of the colony, without those salaries and provisions, payment of which is rendered necessary, not for English purposes, but for purposes connected with the due administration of public affairs in the colony, upon which its prosperity and success so mainly depend; — it is impossible, I say, to leave these functionaries in a state of destitution for an indefinite period of time? By whom shall this charge be taken? Shall it be by the people of this country that the funds for their support shall be provided? Will the people of this country consent to bear such a burden for such purposes? And if they will not, upon whom else is that burden to be thrown? Is it not clear that the duty of providing for the charge on account of the civil, judicial, and other public services, must rest with the people of the colony themselves, who must have a deep interest in the due administration of their local administrative funds? Now, what has been the ground in this case for refusing to defray these, the proper expenses of the colony itself? Under what circumstances have they been denied? If this were a case which rested on the fact of the mere ordinary exercise of a constitutional right, that of stopping the supplies, I should not think that a sufficient ground for suspending the constitution of these provinces. But the express ground on which I must justify a vote which is to annihilate their constitution is, that it is absolutely and indispensably necessary, in order to carry on the administration of affairs in the colony, that provision for these salaries and allowances should be made by its legislature. But, on the other hand, the express ground upon which they base their refusal is this: — "We will not pay the public officers, we will suspend the machinery of government, unless you consent to bear the charge of our civil administration, and to make fundamental changes in the constitution."

It appears to me to be an unjust and unfair condition to attach to the payment of the public functionaries on the part of the colony,—to refuse to make provision for the expense of its own internal administration unless the mother country will consent to make fundamental changes in the constitution, which changes the mother country holds that it would be objectionable and dangerous to adopt. To insist on such a condition would seem to justify the mother country as the supreme arbiter of such rights and demands, to resort to the application of some measures or other in the view of applying a remedy to the evils occasioned by the assertion of such pretensions. That is the simple, intelligible proposition, on which to justify our interference on the present occasion. It is intelligible to the mother country — it is intelligible to the people of Canada, and to the whole world; and therefore it is that I think it is necessary that it should be thus broadly stated. But then, in point of public policy, you have to consider, is there any other course which you can pursue? The law requires that the Assembly should be called once a-year. A revolt has taken place; and I may maintain that a revolt does justify the suspension of the constitution. But the suspension of the constitution is not necessarily the consequence of a revolt. We should have recourse to the vigorous execution of the laws — to the employment, if necessary, of a military force, — the apprehension and trial of those who have participated in the revolt, — and their punishment, if convicted. These are the legitimate steps to be taken for the suppression of revolt; the suspension of a constitution is not the necessary legal punishment; though the fact of the revolt may justify the suspension of the meeting of the House of Assembly. But the revolt has been aggravated by the House of Assembly; it has grown out of the proceedings of that House; — and that will increase the necessity for your suspending the constitution. There is, then, but one, only, out of four courses, to be pursued on this occasion, and there can be no other. It is always well, in matters of this kind, maturely to consider the choice of alternatives, where all of them are difficulties. In the first place, you might call together the Colonial Assembly, and trust to the advice which it might offer to you, and to its providing for the local expenses of the local administration of the colony. Would any one advise that? In the present state of public affairs and public feeling, in the colony, would any one advise that the present Assembly should be called together, knowing, as we do, that a number of the members of that Assembly are implicated in this business? Of course, I do not say whether they will be found guilty or not; but, in these circumstances, would any one advise that the present Assembly should be called? If it were called, would you be willing, *bonâ fide*, to abide by their advice? If it were called, would you call it merely for the purpose of creating an impediment to public business, and then dismiss it with contumely. Would you venture upon that course in the present state of public opinion in the colony? In the second course, would you advise its dissolution? I think no prudent man would advise that dissolution, seeing what is the existing condition of Canada. In the third alternative — would you advise that we should leave the House of Assembly in the full possession of all their powers? Would you abstain from the necessity for calling them, and take from them all power by law? In the fourth, would you dispense with the necessity of calling upon them once in a year, and yet take the right, by the Executive Government, of exercising that power which is the main function of a popular assembly, in voting away the public moneys? To me it appears, that this last would be a greater insult upon the Canadians than the suspension of their constitution; — this would be to leave to a popular body — the House of Assembly — a shadowy, nominal existence, but to emasculate it of one of its greatest functions. To do this, whilst you must, at the same time, allow public officers to put their hands into the public purse, and take and appropriate public contributions, would be a more grievous infraction of all popular privilege, than the adoption of the distinct, but extreme course, of suspending the constitution. In my judgment, it would be considered the greater indignity of the two.

On a mature consideration of all those different courses which it is competent for us to pursue in this affair, it does appear to me, upon the whole, I confess, — that great as is the violation of constitutional principles in the act which we are about to sanction, — great as are the difficulties which occur to me, as likely to ensue from that act which we are thus about to resort to, — yet, still, that act does offer the only means by which the present difficulties can be met. In the existing state of public feeling in the colony, — in the excited state of men's minds, — and after the decisive and recent proofs which we have had, that the House of Assembly is not prepared to co-operate with us in the local government of the province — seeing that the Assembly will not carry on the government, except upon conditions to which it is impossible that we can subscribe, — feeling that there is a sufficient ground of justification for the measure in point of equity, by reason of the conduct of the House of Assembly, or, at any rate, the conduct of its leaders, — I, Sir, come (reluctantly, I admit) to this conclusion; — that no other course can be safely pursued, but to suspend the existing constitution of Canada for a limited period; and to make temporary provision for the administration of the affairs of the colony in the mean time.

On this ground, then, I shall give my support to that which I apprehend to be the main and principal object of this Bill; namely, the suspension of the constitution for a limited period, and for the devolution of sufficient power to the Governor appointed by the Crown for the purpose of carrying on the government of Lower Canada. I omit altogether from my consideration, at present, the person so to be appointed by the Crown. I treat any person so appointed to the office of Governor of Lower Canada, with the respect due to the high situation which he holds in the service of the country. I will withhold from Lord Durham no power, as Governor of Lower Canada, which the Government of her Majesty or the Parliament may have particularly defined; but I will not concede to him one iota of power which the exigency of the case does not require,—or which I would not give to any body else, or which would not be conceded to any other Governor. It is, I think, a debasing and effeminate course to advert, on such an occasion, and with reference to such a question, to the personal character of the individual to whom you are about to confide such powers. When you are dealing with the most important subject you have ever had to decide, — namely, the question of suspending the liberties of a great community of your fellow-subjects in a mighty colony, — to advert to the liberal opinions and views of policy entertained by that eminent man is, surely, most unworthy of ourselves, and most degrading to the character of the business we have in hand. I, for one, however, will enable Lord Durham, with the advice of certain councillors, to make temporary regulations for the government of the Canadas But I will not consent that, even with his council so appointed, Lord Durham or his Government shall have any powers beyond what the temporary exigency of the case may require.

To this part of the Bill I shall give my assent. But there are other parts of the Bill to which I shall give my most unqualified opposition in committee; and those parts I do not object to as modifying and qualifying the powers committed to Lord Durham, but as being unnecessary violations of great constitutional principles. If you ask me to violate some great principle of this sort, and show me at the same time that some overwhelming exigency requires that it should be violated, I can be reconciled to the sacrifice, and feel that I have a sufficient safeguard in the hard necessity of the case, against its being drawn into a precedent. But when, under the pretence of mitigating the excess of the power given, or the severity sanctioned, under this Act, you propose, either in the preamble or the provisions of your Bill, other regulations beyond what the strict necessity of the case calls for, and which trench on great constitutional principles to an extent not to be excused by the circumstances of that case, and, therefore, not to be justified upon any inferior considerations; then I, so far as I may be able, will expose the fallacy of the argument on which such aggressions are rested, and lay bare the delusive grounds and pretensions on which, in the present instance, this Bill is brought before the House, as being, in its spirit and ultimate tendency, a liberal measure. I think that, in these particulars, the Bill is in reality a measure despotic and unconstitutional. I will claim from the House of Commons, and I will claim from men of all parties in it, at least so much of adherence to sound constitutional principle, that they who are called upon to be parties to it shall support me in opposing this portion of the Bill, as a portion which is not to be justified by any paramount political necessity. I shall claim this support, I say, from every friend of true constitutional principles. I shall propose to omit from the Bill that part of it which is to enact, or which may carry with it the semblance of a recognition, on the part of this House, of the principle that a certain assembly to be called by Lord Durham shall have a representative character and capacity. And I do hope that we shall not allow ourselves to be misled by specious and plausible arguments, to suppose that, in pressing this consideration upon them, I am inclined to render still more arbitrary and despotic the powers to be given to the government of Lord Durham. I hope and trust, indeed, that they will not be deluded into giving any credit to any suggestions of this nature, until they shall have first ascertained the intrinsic weight that ought really to attach to them. Here is a Bill which suspends altogether the functions of the House of Assembly of Lower Canada, — of that Assembly which is the constitutional representative of the people of the province. It annihilates the House of Assembly in the province,— the hitherto undoubted representative of the feelings of a very large proportion of the Canadian people. Shall I then be called on, in virtue of a mere incidental mention of such a body, in the preamble of the Bill, to recognise any assembly to be called by her Majesty's Governor of Canada as an assembly representing the interests and opinions of her Majesty's Canadian subjects? Do you really mean to confide to any Governor, or to any council nominated to assist him, the right of designating the district of the province, or the constituency of the district, which shall have the power to return representative members to the newly modelled House of Assembly? Is this to be accomplished by the effect of an enactment which you, as a free representative assembly, are pleased to pass, after you have suspended, by law, the constitution of the Canadas? Are you to have persons, so called, to be the representatives, under the present Bill, of the sentiments and opinions of her Majesty's Canadian subjects? Observe that the Assembly, which you thus annihilate by your present Bill, was, under the old law, the only representative of the feelings and opinions of the people of the colony. Do you mean, as from the words of the preamble we might infer, that any Governor under your new arrangements shall be empowered to summon an assembly as deputies from the two provinces of Canada, which the people of England will recognise as representatives of the colony? If the representative system of Lower Canada can safely be left as it is, why do we suspend it? If, on the contrary, we cannot continue the Assembly, which has been hitherto returned in virtue of the constitution of 1791, why are we to call the proposed council, or why deal with it as "a representative council?" If the representative council of Lower Canada can be left, why suspend it? If the Bill suspends its functions as to every act, the power of doing which comprehends the right of every representative assembly, why do we call this projected council by that name? When the Assembly is suspended, how can the council be considered by the people as a representative of the feelings and opinions of the people of Canada? When the Assembly is suspended, in short, how can this council be considered by the people as representing the feelings and opinions of any class of the population? Oh, Sir! if the Government of the Low Countries had done this; — if the King of Holland had abrogated the representative system of Belgium, — had substituted for it a council, and had called his council "the representative assembly of Belgium;"—if the King of the Low Countries had said, "I will suspend this system; and, in its stead, I will carve out something more germaine to my own views;" — what, then, would have been said of the innovations contemplated by other Crowns on popular institutions? What, then, would have been thought of the hypocrite who should have acted thus despotically, and, at the same time, thus artificially? But if all this be true of Lower Canada, what shall we say as to the case of Upper Canada? What have the people of that noble province done to merit a like visitation,— to require that they should be deprived of their constitutional rights? Is there any thing in the case of Upper Canada which renders the existence of a Legislative Assembly in that province dangerous? Why, Sir, of the loyalty of Upper Canada so assured was Sir Francis Head, that he ventured on the (as I think) rash experiment of sending thence, to the aid of the Government in the Lower province, the whole of the military force he had within the limits of his own command. "Remove," said he, "every soldier from me, that I may prove to the world how loyal is the population of this province!" That experiment, however, perfectly succeeded; and still there exists a Legislative Assembly there, which has always been recognised by law, and by the Parliament of this country, as that body which alone can be held to represent the opinions and the wishes of the different classes of her Majesty's subjects in Upper

Canada. And shall it be said, that a mere exercise of the prerogative of the Crown shall suspend and supersede the functions of the House of Assembly?

It is clear that Upper Canada has done nothing whatever to justify so extreme and so ungracious an interposition on your part. Let not the House of Commons allow its own estimation of the high personal character of Lord Durham, or any appreciation of the liberal principles upon which we are told that his policy will be conducted, so far to warp its calmer judgment as to reconcile it to as gross an infraction of popular rights and political privileges,—that is, as regards the province of Upper Canada,—as the most indefensible aggression upon constitutional liberty that was ever committed by any despot in Europe. I was asked, last Session, to give my assent to certain resolutions which were propounded by the Noble Lord opposite (Lord J. Russell), in reference to the Canadas. I was a party to those resolutions at your instigation. One of those resolutions, I think the last, was to this effect:—"That great inconvenience has been sustained by her Majesty's subjects inhabiting the provinces of Lower Canada and Upper Canada, from the want of some adequate means for regulating and adjusting questions respecting the trade and commerce of the said provinces, and divers other questions wherein the said provinces have a common interest; and it is expedient"—to do what? To suspend the functions of an assembly of this kind by a mere exercise of the prerogative; to extinguish a popular representative body, long recognised by the constitution, by an Act of Parliament? No; but—"it is expedient that the Legislatures of the said provinces, respectively, be authorised to make provision for the just regulation and adjustment of such their common interests." I, at once, admit, by this resolution, that the House of Assembly of Upper Canada is a body competent to discuss, not only the local interests of that province, but, together with this House of Assembly of Lower Canada, all other matters and questions coming under the category here set out, in which the two provinces have a joint or common interest. If these Legislative Assemblies have not the power to discuss the local interests and mutual relations of the several provinces, your proposition here is to give them such a power, and I, for one, am willing to concede it. But, on the other hand, if I stand alone, I will contend that the Crown has no prerogative to suspend the legislative functions of a constitutional body, such as the House of Assembly of Upper Canada, under the circumstances in which I have heard it proposed to accord to the Crown such a prerogative. I object, too, to this as a most dangerous precedent, which calls on us, the Imperial Parliament, to take our share in the responsibility of recognising that precedent, not by any direct enactment, but by mere incidental implication in the preamble of a Bill.

It is in this way that you would create a confusion of prerogative and parliamentary enactments, to which no precise limits can, by any possibility, be assigned. But what is the necessity, I would also ask, for this dangerous precedent on the present occasion? I say, if her Majesty's Government want fresh and extraordinary powers, let them call for them by distinct application to Parliament. If Parliament should deem them necessary, the Government will receive them from Parliament; but if, on the other hand, the prerogative of the Crown be already sufficient for that which her Majesty's Government now propose to do, let the Ministers of the Crown at once advise it, to exercise that prerogative in such a manner as they may deem best adapted to the exigencies of the case. In the mean time, if there be any doubt on this part of the case, take not, I beseech you, this tortuous course of seeking, by mere implication in the preamble of a Bill, a parliamentary sanction for your proceeding. Take, rather, the only befitting course which you can justify even to yourselves in a matter of this moment, that of procceding by direct enactment. Look, for a moment, to the inevitable result which this confusion of prerogative and parliamentary enactment must lead to. Here is a prerogative asserted, for which the Crown is responsible. Let the Crown, then, exercise it on its own responsibility. Whether it will do so or not, may, perhaps, yet become a question. But, in the mean time, I will not, in the absence of all information on the point, and with the doubts which I conscientiously entertain upon the subject, consent to be dragged in this way into a participation of that responsibility which belongs properly to the Ministers of the Crown alone. You have no right to ask me, by a recognition of so dangerous a principle incidentally laid down in the recital of a preamble, to take upon myself a share in the responsibility that should attach exclusively to you, the advisers of the Crown. I am now endeavouring to uphold a great constitutional principle. I know, and am prepared for, the misconstruction which will be put upon my motives. It will be said that I want to prevent the people of Canada from obtaining the advantages of a free constitution. I want no such thing, Sir. I believe that the question of a new constitution for Canada requires, for the sake of the Canadians themselves, very mature deliberation; but I do not believe that you can govern the two provinces, permanently, either for the security of its own peace and tranquillity, or successfully, by preserving the connection of the colony with the mother country, without the establishment of a free constitution founded on the representative principle.

[Loud cheers from all sides of the House.]

My view is really not to cast any stigma on the House of Assembly, and the people of Upper Canada, whose loyalty and good conduct have been so exemplary throughout these troubles, and to whom it seems but an ill return to apply so extreme an exercise as this of the prerogative. Now again, Sir, another point in this Bill, to which I shall decidedly object, is, to that power which it is proposed to give to an indivdual, — whatever his eminence or distinction, — to repeal, by and with the advice of his council, this Act of Parliament; an Act of Parliament which, looking to the march of public opinion in these days, and the agitation of men's minds in many of the states of Europe, and in all the states of America, I do conceive to be the most important I have ever been called upon to discuss within the whole period of my public life; embracing, as the term of that has done, a period of history in which constitutional principles have been more debated and investigated than in any other, perhaps, of similar duration. Really, Sir, I do not recollect ever to have read a proposition more unconstitutional or less justifiable than this. If, however, her Majesty's Ministers will persist in calling upon me to pass this Bill into a law, I never will recognise a power in the Crown to repeal this Act of Parliament. If a principle of such magnitude and importance were once to be admitted into the theory of our constitution as that an Act passed by Parliament can be repealed at the pleasure of the Crown, there is no knowing to what consequences, and to what extent, that principle might hereafter run. It may be very convenient, possibly, to give this power in the present instance; but if you do so in the present case, there is no Act in existence, or which may pass in times to come, however constitutional or important such Act may be, which will not be liable to be repealed by the Crown. Thus the Crown, at pleasure, might *octroyer* any of the Acts of the Canadian Legislature. This Bill shows a change of opinion to have taken place in the minds of its framers. The marginal notes are, in some cases, at variance with the text of the Bill, and it is impossible not to be struck with the way in which it has been prepared, bespeaking much negligence and haste. Thus, in one clause, here is a power, without limitation or reservation of any kind, given to the Crown to repeal this Act of Parliament; a power, therefore, to operate at all times, and absolute in her Majesty, under all circumstances. But the marginal note recites, that this power is only to be exercised "when Parliament not sitting." Now, the omission, in the text, of this important restriction, cannot have happened by accident, or at all events, the limitation in the marginal note cannot have crept in by accident. I take it that this discrepancy only shows that you must have changed your minds upon this important clause, since you made your first draft of it; so clumsily has this alteration been introduced, in consequence of that change of opinion, that whilst the enacting clause is without this most important restriction or condition, it occurs here, in the marginal note. I care not, for my own part, however, how this discrepancy may have arisen, nor for the distinction, as to whether or not Parliament should be sitting, in order to authorise the exercise of such power. I say, that I will never allow the Crown, sitting the Parliament or not, a power to suspend, not merely as to a few matters of detail in an Act of Parliament, but absolutely and entirely to annihilate that very enactment which must have been passed by the three estates of the Legislature. No. If Parliament are to be called upon to pass this Act, suspending the constitutional rights of the provinces of Canada, but not extinguishing them, — if the present constitution may still enure, after we shall have now suspended it, — at least let us also have the graceful task of restoring those high privileges, when the happy occasion for so doing shall present itself. If Canada is to lose her privileges for a time, by Act of Parliament, let her, at least when she shall be ripe for her reinstation in her former position, receive those privileges back, on the same conditions upon which she has hitherto enjoyed them. To have our privileges forfeited by a law, passed, at least, with the forms of the constitution, and restored to her, by an exercise of the prerogatives of the Crown, as a free gift, — to have her constitution of 1791, in short, as I have said, *octroyé* by the Crown, in one instance, and re-established, by the same prerogative, in another, — would be, to make such an advance in unconstitutional doctrines, as should induce the House long and carefully to pause before committing itself to the first step towards affirming such principles.

There is another clause of this Bill to which I would particularly claim the attention of the House I shall oppose, with the utmost reluctance, any measure intended to give proper efficiency to Lord Durham's authority, in the capacity which he is to fill in Canada. You propose to enact, that when the Governor General shall have called together the council, which is to assist him in passing those measures that may be necessary for the adjustment of the affairs of the two provinces, no member of that council — but himself, — (who will just have arrived from England,) — shall be allowed the privilege of proposing any such measure for adoption. Considering who would be the persons who would be likely to compose this council, I cannot see upon what pretence such a restriction should be imposed on the powers of the councillors. The council is to have the power of making laws, but no one but the Governor General is to propose any! No one can open his lips with the suggestion of a law, however qualified he may be, from local information or connections, to do so. Should he, however, suggest a measure, in neglect of this enactment, that measure, under the terms of this Act, even should it be passed, would be invalid. The only man, therefore, who can prepound anything in the nature of a law, in this council, upon those colonial questions and interests about which they will have all met to deliberate, must be that very one amongst them who, inasmuch as he will but just before have come out from England, may naturally be supposed to be least informed upon any of the practical details of those great interests and questions. Now, if you can convince me that this restriction on the other members of the council is either necessary in principle, or calculated to operate advantageously on principle, you shall have my vote for it. But I own, considering that the Governor General is to be invested with all the powers of electing his own councillors, and even of dismissing his council at pleasure, I cannot see any possible necessity for tying up their hands in the way proposed.

I shall not now enter further into these details; but I have thought it right to give this full notice of what the points were to which I most decidedly object in the measure, and of what the amendments would be, which I should venture to propose. I have done this, for the purpose of respectfully intreating Honourable Gentlemen to reserve their judgments in this case, and not to pledge them in favour of particular propositions, out of consideration merely for any feelings of confidence and respect which they may entertain for the Noble Lord, in whose hands these high and novel and peculiar powers are to be reposed. I think I can anticipate what will be said of the line of argument I have adopted. It will be said, that I wish this Bill to remain in force, and that the Crown shall have it in its power to continue it. Not at all. The Act itself is to continue for two years. Its application is to be limited expressly to that term. If a proposition should be submitted hereafter, that Parliament should be called together to consider how this most important matter, on which the deliberations of Parliament can be employed, — namely, the propriety of giving to the Act a shorter duration, and allowing it to expire at an earlier period, can be arranged, I shall most readily give my assent to that, or to any other proposition which may be made, for restoring to the Canadians their constitutional rights. I will consent, for one, to give to the Crown the power of recognising any settled form of government in Canada. But all I do object to is, that the Crown should have a power of riding over, at pleasure, and of suspending, absolutely and without limitation, the provisions of what I do not hesitate to call the most solemn and important Act of Parliament which, in my time, has passed the Legislature.

In the course of this debate, express reference has been made to me, by the Honourable Member for the city of Lincoln (Mr. E. L. Bulwer) with respect to that part of the subject which occupied a large portion of the speech of the Chancellor of the Exchequer. And I must say, Sir, that, giving to that Right Honourable Gentleman full credit, for all that acuteness and ability, which all of us allow him to possess, — and being perfectly satisfied that he introduced to the notice of the House every paper which could support his case, — and being aware that he filled the office of Secretary of the Colonies, and must be well versed in its affairs; — still, if the statement which he made was intended as a defence of the Government against the charge preferred by my Honourable Friend the Member for Newark, it was a lamentable failure. The Right Honourable Gentleman says, "We have at least this satisfaction, that the charge preferred against us is not that of precipitation and tardiness, of tyranny and severity; the whole charge against us is, that we have pushed to excess the principles of lenity and conciliation." Sir, the Honourable Gentleman is not at liberty to prefer an indictment against himself! The charge is not that he and his colleagues have pushed the principles of lenity and conciliation to excess, but it is this, — that they have spoiled their conciliation and neutralised their vigour, by the nature of their proceedings. It is, that they have never been either consistently conciliatory, or consistently vigorous. The Right Honourable Gentleman and the Honourable Member for Lincoln seemed to imply, that on the military part of the question, the Government had received a complete acquittal by my Noble Friend the Duke of Wellington. "Here," says the Right Honourable Honourable Gentleman, "is the highest military authority in this country, and he has pronounced that we are completely justified in all our proceedings respecting the augmentation of the military force in Canada." Why, Sir, I think my Right Honourable Friend is mistaken, as to this testimony of the Duke of Wellington. The Duke of Wellington did state, I believe, that the Government had an ample force in the colony; but I am very much mistaken if my Noble Friend did not state another charge, which he preferred against the Government, namely, that when you had given directions to the Governor of the Canadas to withdraw troops from New Brunswick and Nova Scotia, the navigation being then open, you did not take care to supply the place of these troops. Now, Sir, after the high and merited compliment which the Right Honourable Gentleman has paid to my Noble Friend, if such was the charge which he preferred against the Government, — that, the navigation being open, although you got together a sufficient number of troops in Canada, yet still you compelled the withdrawal of forces from Nova Scotia and New Brunswick, which you ought to have replaced by fresh detachments, let me tell you that the high military authority which you have cited, so far from being liable to be pleaded as a vindication of your conduct, constitutes a strong accusation against it.

But, as has been just said, in the very able speech of the Member for Newark, this is not a military question. This is a case of which every civilian is competent to judge; namely, whether or not, after the resolutions of last year, and the state of the public mind in Canada, every rational mind must not have believed that on the arrival out of these resolutions, public excitement would be aggravated, and that it was a time to take the additional precaution to send such a force as must beyond doubt suppress the revolt? This, then, I want to know; whether you did send such a force to Canada as might intimidate the disaffected, calm the apprehensions of the timid, encourage the loyal, and prevent that outbreak of popular violence, and that unfortunate shedding of blood, which has unhappily occurred. Why, Sir, when we see Lord Gosford and Sir James Kempt bestow praise, which I re-echo, on these poor Canadian people, — when we see them dwell on their honesty, simplicity, and industry, — on their contentment with British rule, and their attachment to British connection, — and when we read that of this same people there were (necessarily I believe) killed, two hundred, and three hundred wounded, in one village (that is, five hundred, in the whole, killed and wounded; for one gentleman states that he counted 157 dead bodies, and that there were 300 wounded, besides several others dead), then I have a right to ask, — might any precaution have been taken which could have prevented such a lamentable loss of life? I rejoice, as every well-affected subject must, at the triumph of the law, and the success of the Queen's troops; but I have no such feeling with regard to that victory, as if it had been achieved, in a righteous cause, over the open enemies of the country. When such a slaughter is found justifiable or necessary, the occasion which gave rise to a conflict leading to such calamitous consequences is deeply to be lamented; and if, by a timely supply of troops, you might have averted that melancholy necessity, then I maintain that there were reasonable grounds to infer that the necessity might occur, in consequence of the activity and delusion practised by the leaders of the Canadian people. It was the duty of you, the Government, to encourage the loyal, to repress the disaffected, to overlook the comparatively miserable consideration of the inconvenience of a "military demonstration," and by a timely display of force to prevent the desertion of the well-affected, and to re-assure the fearful; you should have manifested such a determination to support the authority of the British Crown, and to maintain the British connection, as would have sufficed to deter designing men from practising on the simplicity of a loyal and well-conducted people. So far from exposing yourselves to any reflections or unjust imputations of having acted in a severe and tyrannical manner, in what you would thus have done,—you would have deserved and secured a compliment to your "merciful" demonstration. When I look at the whole course of these things,—when I turn over these papers which have been laid before the House, and see that which my Honourable Friend the Member for Newark (Mr. W. Gladstone) has so forcibly pointed out,—namely, that in one despatch there are two sentences of such conflicting import, that in one it is stated that there is no danger of commotion, and in another that the suspension of the constitution may be necessary;—and when I find that this discrepancy is attempted to be met, by the Right Honourable Gentleman's arguments, that the two statements are consistent and distinct, inasmuch as the necessity for a suspension of the constitution might be anticipated, without any prospect of immediate danger or commotion, what will that Right Honourable Gentleman say if I should be more fortunate than my Honourable Friend near me (Mr. Gladstone), and point the Chancellor of the Exchequer to two conflicting opinions in one sentence?

[Loud laughter and cheers.]

Well, and I will read it; here it is: Lord Gosford writes, "As I stated in my former letter, I do not expect any serious commotion; at the same time, when I see so many clever, unprincipled agents in action, yielding implicit obedience to the mandates of such a man as M. Papineau, it is impossible to set limits to the extent of the mischief they may construct." So that Lord Gosford thus states, in the first member of this sentence, that he sees "no reason to apprehend any serious commotion;" and in the latter, that,—"however,"—it is impossible to say what commotions, what mischiefs, may not be the result of the occurrences to which his despatch alludes. It does appear to me that there were special and peculiar notions connected with the affairs of the province at that time, which made it not at all improbable that the event should occur that has since unfortunately happened; events, which required for their prevention the adoption of means the most energetic and prompt. What says Lord Gosford again? "The jealousy which exists between the two origins, is also a powerful instrument in the hands of a convention or central committee, as before alluded to, and corresponding, as no doubt they do, with various parts of the province. The two extremes are doing incalculable mischief, and must disgust every friend of liberal measures." Why, then, Sir,—this being the impression of my Lord Gosford,—why was not some attempt made to despatch such a military force as might have prevented the necessity of making blood the boundary line which was to divide the inhabitants of French and English origin? But what has been the consequence? You have been obliged to call out the volunteers, and you seem to rely much upon the call you made on them. Was there ever an instance in which it was so essential that the enforcement of the civil authority should be intrusted to the military force, and in which the Government should have abstained to the last moment, and until such a call became absolutely indispensable, from relying for the suppression of this revolt on the aid of one of these two parties alluded to by Lord Gosford in the terms I have just now read,—so exceedingly inflamed as that was against the other party? You sent out last year resolutions, the effect of which, when carried out, was to be the putting down one of these parties; but since the execution of these was confided to the other party, it is evident that you were thus aggravating the excitement, previously subsisting, in a tenfold degree, though your mode of proceeding was exactly what it might have been had no resistance been expected. I am trying to prove to the House, that, with respect to a military force, the Government, which, from what was known of the spirit prevailing in the colony, might have calculated upon resistance, had made no adequate preparation for the purpose. I contend, that when they did make a show of tardy vigour, they neutralised that vigour by the proceedings they adopted in sustaining it. I must also observe, that their conciliation lost much of its grace by the delay and irresolution with which the measures intended to display it were set in motion.

Now, Sir, for a proof as to this part of the case. The Government invited us to be parties to certain resolutions, ten in number, the most important of which was the eighth. But they did not accompany this demonstration of rigour, such as it was, without some compensation in the shape of promises. We, the Opposition, were invited to accede to two resolutions respecting Canada. By one of these, the 8th, the Government called upon Parliament to assent to the proposition, "That for defraying the arrears due on account of the established and customary charges of the administration of justice and of the civil government of the said province, it is expedient, that after applying for that purpose such balance as shall, on the said 10th day of April, 1837, be in the hands of the receiver general of the said province, arising from his Majesty's hereditary, territorial, and casual revenue, the governor of the said province be empowered to issue from and out of any other part of his Majesty's revenues in the hands of the receiver general of the said province such further sums as shall be necessary to effect the payment of the before mentioned sum of 142,160*l.* 14*s.* 6*d.*" This was the 8th resolution. Then came the 10th resolution, in which it was said, "That great inconvenience has been sustained by his Majesty's subjects inhabiting the provinces of Lower Canada and Upper Canada, from the want of some adequate means for regulating and adjusting questions respecting the trade and commerce of the said provinces, and divers other questions wherein the said provinces have a common interest; and it is expedient that the legislatures of the said provinces respectively be authorised to make provision for the joint regulation and adjustment of such their common interests."

Now, would it not have been advisable, when the Government communicated to the House of Assembly the measures of violence, that they should also have communicated to that body the crowning measures of grace, with which they were intended to be accompanied? If they were not ready with those measures for the improvement of the council, why, I ask, did they not suspend the meeting of the House of Assembly of Lower Canada until they were ready? Why leave it to the Governor, after he had apprised the House of Assembly that the House of Commons had determined to take their money, why leave it to the Governor to make the unsatisfactory communication that he was sorry to say that he had nothing positive to communicate about the improvement of the Legislative or the Executive Council, but that measures of improvement were under consideration? Would it not have been rational to have postponed making this communication until the Governor could have laid before the House of Assembly the series of measures of improvement which he had to propose? It would have shown them that the House of Commons, when they consented to measures of necessary violence, was not so irritated as to refuse at the same time measures of redress. When they communicated their intention to take the money, they should have also taken into consideration their projected improvement of the Executive Council; and they should have made known the names of the men whom they meant to propose. Can they now state any valid excuse for not having done so? I have looked through the despatches of Lord Glenelg on this subject, and I find them the worthy echoes of those of Lord Gosford. I find, Sir, in the series of despatches, many declarations that "there is now no time for vacillation, that they must now be vigorous, that there must be no further delay." There are endless demonstrations of this sort, but the only real demonstration of promptitude and vigour is their acceptance of the resignation of the Governor. By-the-by, on this subject of resignations, is it true, will the Noble Lord inform us, that Sir F. Head has been recalled? The government of Canada seems to be administered by the recal of its governors. Sir J. Colborne has been recalled from Upper Canada, Sir F. Head has been recalled from Upper Canada, Colonel Arthur has been recalled from Van Diemen's Land to proceed to Canada, and Lord Gosford has been recalled from Lower Canada. In this process of rapid and impartial recals seems to consist the whole vigour of Lord Glenelg's colonial administration. It has been said, and certainly with truth, that one of the greatest evils in the administration of the affairs of the colonies consists in the frequent change and succession of their governors; for the moment a governor becomes acquainted with the local interests of the particular colony to which he has been appointed, he is removed. If this be an objection at all, it applies with quadruple force in the case of our North American provinces.

With respect to the Executive and Legislative Councils, we have sent out three commissioners to Canada to make inquiry. They have made their Report with reference to the Executive Council, and they state therein the principles upon which various improvements might be made in the Council. This Report was made in 1836; and on the 14th of July, 1837, Lord Glenelg stated that no delay should occur in acting on that Report, and that he had no serious doubt respecting the wisdom of the suggestions of the commissioners. If there was no such doubt on his mind, why not call upon the

House of Commons to pledge itself to the improvement last year? Eighteen months have now elapsed since the subject was brought under consideration, although in July, 1837, Lord Glenelg had no doubt respecting the wisdom of the suggestions contained in the Report. And what is the cause assigned for this delay? It is, the difficulty of getting men to fill the office. For eighteen months there has been no doubt about the propriety of the suggested improvements; the whole doubt and difficulty have been, as to getting the men. Lord Glenelg, however, said that it was impossible to acquiesce in any further delay, and what did he do? To prevent mistakes, he sent out to the commissioners — an extract from their own Report! He sent out to Lord Gosford, who was one of the commissioners, an extract from his own Report; he told him to act upon the principles therein contained, to seize the first nine men he should meet, and to swear them in as councillors. It seems to me, that if the Government wanted to afford a plausible justification for disaffection, the course pursued respecting these councils was well calculated to supply it to men who were not looking for real grievances, but for plausible grounds to make out a case of oppression. Eighteen months they had been in possession of the principle — there was no doubt entertained of the wisdom of the suggestions in the Report — they asked the House to concur in measures of severity; but when measures of improvement were mentioned, the answer was, that they intended to postpone them, but — really — they were not yet quite ready! There is repeated mention, in the course of the despatches of Lord Glenelg, of the great importance of some definitive measures; but this is another instance in which conciliatory measures have been spoiled and prejudiced by delay. I do, therefore, think that all this establishes my charge, that the Government have not acted with lenity and forbearance; but that, in point of fact, a demonstration of timely vigour would have been true lenity and forbearance. I do not complain of the concessions which have been made. I believe that they afford an ample proof that in the course we have adopted we have met the justice of the case. I believe that the feeling of the United States, of Europe, and of the world at large is, that we have done justice. I believe that the general impression is, as was said by an Honourable Gentleman, that in no other country in Europe, whether free or despotic, has greater moderation or forbearance been shown than by Great Britain during the continuance of this contest. But this forbearance has been neutralised, so far as the conduct of the Government could neutralise it, by neglect, delay, and the want of vigour and precaution; and I must say, that I consider, looking at the papers before the House, that for this outbreak in Canada, and for the state of public feeling and opinion in Canada, which has led to this outbreak, — for the false reliance that has been placed upon the support which parties anticipated from this country, — her Majesty's Government are morally and deeply responsible.

LORD J. RUSSELL. — With respect to the real subject of debate, namely, whether the principle of this Bill shall be affirmed by the House or not, I feel that so much has already been said on all sides of the House, and with such very great ability, — so much that has placed the subject in such various lights, — as to make it unnecessary for me to enter much, if at all, into the discussion. But in the course of the debate there have been mixed up so many other topics with reference to what, on a former occasion, I have said in the House, and so much censure has been passed on the conduct of the Government, that I feel that I cannot allow the discussion to close without some reference to these topics. And, first, with respect to the measure before the House. I will ask, have those most opposed to it suggested any rational plan as an alternative? Admitting, for the sake of argument, that the Legislative Council has been wholly in fault, and that the House of Assembly was wholly blameless, yet you have, by general confession, a House of Assembly and a Legislative Council so constituted that the result has been the stoppage of all legislation, the entire refusal of the supplies necessary to carry on the government, and the total absence of those laws which are necessary to the wellbeing of the community. In this state of things an Honourable Gentleman has made a proposition which seems to me nothing more than this, namely, that the House of Assembly should be brought together again. There is, however, one part of the plan to which all parties are willing to consent, namely, that Lord Durham shall proceed to Canada. But do you suppose that Lord Durham will proceed to Canada without any power whatever, and as a mere spectator of the battles between the two adverse assemblies, in order to declare the utter hopelessness of bringing them to a conclusion? Whatever charge of neglect of reform or of vacillation may now be made against Government, such a course as that referred to would have shown a weakness and a want of conciliation which would indeed have deserved censure. The Right Honourable Gentleman opposite (Sir R. Peel), in going into the amendments he proposes to make in committee, has stated some strong objections to parts of the Bill, and I must say, that in stating those objections the Right Honourable Gentleman has dealt in greater exaggeration than I ever heard him indulge in before.

[Loud cheers from the Ministerial benches.]

He has stated that we, the Government, are acting on delusive grounds — on a pretence of liberality — and putting certain provisions into the Bill which do not properly belong to it. In my opinion, the grounds of the Bill are perfectly natural and simple.

Nothing can be more natural than this, — to say that for a long time dissensions have prevailed in Canada; that we have found it impossible to bring matters to an amicable termination; that these matters have, at least, come to a hostile issue; that the malcontents have at last proceeded to revolt; and that the revolt being first suppressed, we shall then proceed to adopt measures for the production of a more peaceful state of things. In order to effect this latter object, we intend to call to our aid and advice persons resident in — and perfectly well acquainted with the wants and feelings of — the province: and to learn from these councillors what measures they deem to be best calculated to restore tranquillity. Is this a false pretence? Are these delusive grounds? I own that it seems to me that the Right Honourable Gentleman has rather wished to fix on the Bill a character not belonging to it, in order to furnish himself with some feasible grounds for opposition to it. I have seen, this evening, symptoms of a species of coquetry, which I have never witnessed before, on the part of a Right Honourable Gentleman opposite. He has passed very marked compliments on the speech of the Honourable Member for London. The argument of that Honourable Member is: "If you are able to convene this meeting of the provincial representatives, why not convene the Assembly; and in this latter case, why suspend the Cadadian constitution?" The Right Honourable Gentleman said, that this was an argument almost unanswerable; but I really could not see in it any force whatever. Suppose that peace were restored, — suppose you had convened the Assembly, — you would only bring together a body which, in its present state of irritation (if constituted as it is at present), would say, "Give us an elective Legislative Council, or we will not vote the supplies;" whilst the Legislative Council will declare that, if they be made elective, the constitution will be destroyed. This result has always happened for several years past; and thus, then, there would soon be an end of the meetings of the Assembly. But if you collect together a certain number of individuals, comprising not only persons selected from these two bodies of persons representing the feelings of Lower Canada, but some, also, representing the feelings of the Upper Province, and get them to deliberate together with the Legislative Council, why, then, you will have some chance of finding your way out of the many difficulties which now beset you in dealing with this matter. In this way it is possible that some satisfactory arrangement may be come to. We think it even probable. There is another matter not noticed by the Right Honourable Baronet, but to which, as I before expressly adverted to it, I think proper now to recur. I said, on a former occasion, that this committee which was to be assembled was not to have any legislative power; that I considered it absolutely necessary that the supreme legislative power and control should rest with Parliament, where the constitution has placed it. There would be, in this respect, a total difference between the body which we propose thus to assemble, and the body consisting of the House of Assembly and the Legislative Council, which meets for the purposes of legislation, and chiefly for that purpose. The Right Honourable Gentleman, in spite of my statement to this effect, has spoken to-night as if the Governor and this committee were to *octroyer* a constitution.

SIR R. PEEL — No, no!

LORD JOHN RUSSELL. — The Right Honourable Gentleman did certainly use that phrase. With respect to the objection of our having introduced the prerogative into the preamble of the Bill, the Right Honourable Gentleman has introduced this argument: — "If, in order to accomplish the arrangement of the matter, you can exercise the prerogative of the Crown, why do you not do so without this Bill? If you can do this by legislation, why thus put in operation prerogative? But do not seek to accomplish this end partly by prerogative, partly by legislation. Do not mix the two principles up together in your preamble." I will own that I did think, at one time, that it would be desirable to take the course which the Right Honourable Baronet suggests; but it was thought afterwards, that, not only if an extreme course of this kind was to be taken, we ought to be provided with the necessary powers under the terms of a measure of this kind, —but that it did seem right, when an extreme measure of this kind was to be adopted, that it should be formally placed before Parliament, — that no part of it should be concealed, — and that it might not afterwards be open to any Honourable Gentlemen to say that, if this sort of provision had been properly indicated to them on bringing forward our plan, — or that, if they had happened to remark this part of our plan, — they would have felt themselves bound at once to declare that they utterly disapproved of it. But, after all the Right Honourable Gentleman has said against the nature of the preamble, it does not seem that he now intends to suggest any such change as I had, at first, supposed. I thought, from what the Right Honourable Gentleman had stated, and from his proposal to leave out the preamble, that he meant to go so far as to say that we ought not to affirm that Canada could not be governed on the principles of a free constitution. But now, he disavows that intention, and would merely alter some words, in a manner the meaning of which is not very obvious. We never said that Canada should be governed otherwise than by a free constitution. The Right Honourable Gentleman says that it is expedient to make provision for the temporary government of Lower Canada, on such a basis as may best secure the rights and liberties of the province.

SIR ROBERT PEEL. — Read all the words I suggested.

[Cries of "Hear, hear!"]

LORD JOHN RUSSELL. — The other words relate only to the matters I have already argued on; but what I complain of is, that the Right Honourable Gentleman, in quoting from the Bill, left out all our words which recognised, on our part, the ultimate establishment of all the principles of free government. We all along only contemplated making provision for the temporary government of Canada, in order afterwards to make provision for governing it on principles conducive to the maintenance "of the rights and liberties of the province;" but the Right Honourable Gentleman would strike out the words to that effect in the preamble. I am quite persuaded that the Right Honourable Gentleman does mean to say that the Canadians ought to be permanently governed on principles of free government; and I am sure he does not mean to deny that that is the object contemplated by our Bill. The great matter for Parliament to consider is the necessity of the case. If the necessity did not exist, the Bill would not have been demanded; but, when we do demand such despotic authority, I think it highly necessary that Parliament should know that we only seek a temporary power, and that the paramount wish of Government is to have a free constitution established in Canada. The Right Honourable Gentleman has gone on to find fault with a provision of the Bill giving a power to the Queen in council to suspend its operation for a time, and contends that we wish to suspend the constitution of Upper Canada. Why, Sir, the Bill contemplates no interference with the constitution of Upper Canada; with respect to the ordinary working of that constitution, it will not be interfered with in the least.

[Cries of "Hear, hear!"]

I say, that not only is there no such interference contemplated, but neither do we propose that the Assembly shall be deprived of any of the privileges it enjoys; on the contrary, we propose that, as the people of Upper Canada have long complained, and justly complained, of the manner in which their trade has been interfered with, and their navigation impeded, by the regulations of the Lower province: we do propose, I say, that ten persons shall be selected from the Upper province to form a part of the committee, and to provide for the remedy of these grievances. With respect to the other question — to the dispensing power of the Queen — to which the Right Honourable Baronet has alluded (I mean the power to be given to the Queen in council to repeal the Act during a period in which Parliament may not be sitting), although I believe that it would be found that Parliament has frequently given such powers, and although I can see no reason why we should not give such powers on the present occasion, yet I will not enter into the argument to-night, as, when the Right Honourable Baronet brings forward his amendment on the subject, it may be better considered. But the

Right Honourable Baronet attributes great demerit to her Majesty's Government for not having had a sufficient military force in Canada to render the shedding of blood unnecessary; and although, in that charge, the Right Honourable Baronet was supported by the Honourable Member for Newark, I beg to observe, that the opinion of the Duke of Wellington, an indisputable authority on such a subject, may be considered as settling the question, and I willingly submit myself to that decisive award. At the same time, I will not pretend to dispute the authority of his Grace as to the fact that it would have been expedient to have sent more troops to Nova Scotia and New Brunswick, to replace those who were drafted from thence to Canada. I am perfectly ready to allow that from the Duke of Wellington's award on such a point there is no appeal. But the charge implied in that remark made by the Duke of Wellington is totally different from the charge which has been made by the Right Honourable Baronet, and the Honourable Member for Newark. The charge made by the Right Honourable Baronet, and the Honourable Member for Newark, is conveyed in these terms:—"Why were there not troops in Canada to encourage the loyal and to deter the disaffected?" To that charge the simple answer is, that there were troops in Canada sufficient for those purposes; and although it might certainly have been better if additional troops had been sent to Nova Scotia and to New Brunswick, yet no one will venture to say that the presence of such troops in those provinces would have had the least effect on the occurrences in Canada. The candid and manly declaration of the Duke of Wellington on that point has completely put down any attempt on the part of those who are influenced by the violence of party politics, to bring their batteries to bear on her Majesty's Government.

Well, Sir, then the Right Honourable Baronet brings another charge against her Majesty's Government. He not only charges us with a want of vigour in not having provided an adequate military force for the protection of the public peace in Canada, but he charges us with having exhibited a want of conciliation in the civil measures to which we did have recourse. Now, although I do not think that there will be any great difficulty in proving that the course of proceeding which has been adopted was that which, under the circumstances of the case, was the most eligible, yet, it is clear to me, that the valid defence of the conduct in that respect of Lord Gosford and Lord Glenelg, consists in the inherent difficulty of giving such precise instructions as were calculated to effect the purpose in view. What was the object of Lord Gosford's mission to Canada? It was, shortly, this,—if possible, by fair treatment of all questions of grievance, and of all persons who had preferred their complaints, to give contentment to all classes of Canadians. But, while the Noble Lord was making every effort to arrive at this desirable conclusion, he was counteracted by a powerful party, at the head of which was the Speaker of the House of Assembly, whose object it was to thwart and misrepresent all his exertions, and to take advantage of every possible means for the purposes of preventing conciliation, and of separating the colony from Great Britain.

Under such circumstances it became exceedingly difficult to know how to act. This was the inherent difficulty of the case which prevented Lord Gosford from doing what he was desirous to do. Both Lord Gosford and Lord Glenelg, however, have shown, by their conduct, that it was the determination of her Majesty's Government to act fairly and honestly with reference to the province of Lower Canada, and not to attempt to deprive the inhabitants of that province of any privilege which they are entitled to possess. Such a manifestation amply compensates for the evil of any delay that may have inevitably occurred. A Noble Lord, on the other side (Lord F. Egerton), has thought proper to criticise the despatches of Lord Gosford and Lord Glenelg. In despatches of this kind, relating to topics of great importance, mere critical considerations, as it seems to me, are matters of comparative insignificance. The Noble Lord talked of what he called the "sickly sentimentality" of some of these despatches. Now, I remember a criticism of a similar kind on a certain "Address to the electors of South Lancashire," rather sentimental and very mystical. It excited a great deal of speculation in some quarters. A friend of mine, who was likewise a critic, said to me, "I can explain it all in a moment. It is only a translation from the German!" All I wish to prove is, that if the criticism about sentimentality is just at all, it may be equally just with reference to the Noble Lord himself.

I cannot conclude my observations without adverting to some remarks which fell from the Honourable Member for London, who, I must say, distorted my opinions as to the reforms we propose in the Legislature of Canada, and the alarm those opinions would be calculated to excite there. If any alarm is excited, it will not be on account of my opinions, but of the distorted shape in which the Honourable Gentleman chooses to represent them. He says that I have refused to consent to any reform in the Legislative Council of Lower Canada. Not only is that not the case, but when Mr. Roebuck, last year, brought the subject under the consideration of the House, I distinctly stated, that although I could not at once consent to the change proposed, yet, that if the House of Assembly should point out a mode in which it would be advantageously effected, I would not, for my part, stand in the way of its accomplishment. The Honourable Gentleman has also represented me as the enemy of all reform and conciliation, and remarked on a passage which, on a late occasion, I cited from Montesquieu. In that citation he represented me to have stated that "the French *habitans*, who were *censitaires*, paying *cens* to the *seigneurs*, were serfs." But I never said so; and, moreover, the Honourable Gentleman omitted to state the object with which I made that quotation. I said, that the English Government had never shown any indisposition to extend the privileges of our own free institutions to the Canadians; that though we were opposed to the feudal tenures still prevailing in Canada, and that though the whole feudal system, as regarded the administration of property, was odious to the feelings of Englishmen (so that when it was abolished under Charles II. by an Act of Parliament, that Act was then, and has ever since been, looked upon as accomplishing a signal triumph, by getting rid of what we had long considered a degrading relic of domestic slavery), yet if the people of Canada wished to have their feudal tenures, and the rights they derived under them, continued in the colony, we should not object, but would permit that continuance, out of regard to the wishes of a majority of the colonial community, even though British interests might suffer under it.

Now, with regard to the Noble Earl who has been so much alluded to, and the powers which it is proposed to give to him, I must be allowed to say a few words. There was, undoubtedly, a time when England, confined within the limits of her own immediate dominions, need consider of nothing but her own laws, her own usages, her own form of religion — everything that was peculiarly English. There was another period, when, by the power of her arms, she had extended her conquests over a great portion of the world, and when, by the power of her arms during war, she kept those possessions} against all invaders and all enemies. But both of those times are past. We can never now, with such a vast dominion as we possess, predict that English laws and English customs, only, shall govern all our fellow-subjects in different parts of the globe. Neither can we pretend, and God forbid we should, that, by the force of arms alone, it will be in our power to keep all our vast possessions together as part of the British empire.

But there is another and a better system, which is, that, having acquired these extensive dominions by various wars, by various powers, by various men, from Cromwell to William, from Marlborough to Wellington, we must carefully consider the usages, the wishes, the wants, the peculiar religion, the peculiar habits, the peculiar aptitudes of the people with whom we may be in connection. We should consider that if, indeed, it become necessary to quell revolt, we should immediately take the measures which may be most efficient to that end; but that for our permanent government, we should always take the best means we can find of obtaining the expression of the feelings of the people, and that, for no object of our own, should we endeavour to impose on them institutions, which to them may be unpalatable, perhaps intolerable. This is the end to which I look with respect to the affairs of Canada, and with respect to all our North American provinces. Undoubtedly we cannot govern them as we might govern an island in the Mediterranean, or our dominions in the East; but by carefully tempering our rule — by adapting our laws and institutions, from time to time, to suit their habits — I think we may preserve a connection, which will be honourable to ourselves, which will be advantageous to them, by which the great fame of this country will not suffer, and by which our empire will not be diminished. This is the end to which I look, especially in the instructions referred to, in which the Earl of Durham is authorised to invite the assistance of other persons, before he transmits to this country any plan for the permanent government of Canada. If any person can devise a better course than this, let it be proposed; but I own it appears to me the best means of ascertaining the wishes of the people, and of obtaining the desirable results we have all in view. Certainly, and above all, I cannot wish, any more than my Right Honourable Friend (Mr. Labouchere) the Member for Taunton, that we should endeavour to establish a permanent dominion in that country in any other way than through the adoption of measures which might make it permanently advantageous, happy, and honourable to all the parties interested.

Mr. WARBURTON. — I merely wish to observe, that several Gentlemen who are opposed to the Bill have not yet had an opportunity of expressing their opinions upon it. At this hour of the night, it is not our intention to trespass upon the patience of the House; but, in the next stage of the Bill, we shall feel it our duty to state our views upon the question at length.

The House then divided on the amendment, upon the Order of the Day, "That the Bill be committed;" said amendment being, "That this Bill be taken into further consideration this day six months." Question proposed, "That the words proposed to be left out stand part of the question:"—

Ayes . . .	262
Noes . . .	16
Majority . .	246

Main question put, and agreed to; Bill committed for Thursday next.

GLASGOW COTTON SPINNERS.

Mr. WAKLEY.— I wish to have a distinct understanding from the Noble Lord, that if I do not press my motion at this late hour of the night, or rather morning, — the vessel in which the seven Glasgow journeymen have been embarked, on their way to the place to which they are under sentence of transportation, and which vessel I understand to be now in the river, shall not be allowed to sail until after I have brought on my motion.

LORD JOHN RUSSELL. — I cannot possibly enter into any such pledge as the Honourable Member requires, but I think it most likely that the vessel in question cannot sail until Thursday next, which will probably be all that the Honourable Gentleman requires; and in the mean time it is probable that the Lord Advocate will be in his place, to whom the reply to such a question more properly belongs.

LORD J. RUSSELL then moved that the Order of the Day, for the Committee on the Lower Canada Bill, have precedence of notices on Thursday next.

Mr. WAKLEY. — Remembering the case of the Dorchester labourers, I am bound to say, in this somewhat analogous case, in which I believe the parties under sentence to be quite innocent of the charge upon which they have been sentenced, that I must certainly divide the House upon the question, — that this Bill have precedence of notices of motions on Thursday next: —

Ayes . . .	101
Noes . . .	16

Mr. HAWES. — I am anxious that there should be no misconception on the public mind, as to what was the case with the last division, and what its effect. In justification of the vote I have given, I beg to say, that however anxious I feel at all times to forward any proposition which has the extension of mercy for its object, I cannot see any necessary connection between the business before the House and that committee to inquire into the Glasgow Cotton Spinners' Society, in going into which it would be competent for the Honourable Gentleman to enter at large into the case of these individuals, in whose welfare he takes so lively an interest.

Mr. WAKLEY. — If the Honourable Member had voted with me to fix an early day for the motion, he would have discovered the connection which exists between the two points.

ADJOURNMENT OF THE HOUSE.

House, at rising, to adjourn till Thursday.

LOWER AND UPPER CANADA.

Extract of a despatch from Lord Glenelg to the Earl of Durham, dated the 20th of January, 1838. — Presented (by command). — To lie on the Table, and to be printed.

DUCHESS OF KENT'S ANNUITY BILL.

Lords' amendments agreed to.

RETURNS, &c.

Newspapers. — *Ships entered Inwards.* — *Northern Lights.* — *River Weaver, &c.*—*Danish Claims.*—Papers, &c. (presented the 17th of January), severally ordered to be printed.

Bank of England. — Accounts (presented the 29th of November and the 22d of January) to be printed.

National Debt. — Account.

Upper Canada. — Copy of despatches from Sir F. Head: also, Return to Address for a copy of resolutions passed at meetings in Upper Canada (severally presented the 22d of January).

Education (Ireland). — Fourth Report of Commissioners (presented on same day).

Ordered to be printed.

Adjourned, at a quarter after two o'clock, till Thursday.

HOUSE OF LORDS, JOVIS, 25° DIE JANUARII, 1838.

APPEALS.

Stewart *v.* Gibson, *et è contrà.* — Further heard, and adjourned till to-morrow.

Glendonwyn *v.* Dame Mary Lucy Glendonwyn (or Gordon). — To be heard to-morrow.

The King *v.* Trafford (writ of error). — Petition of both parties to put off the further hearing until next Session. — Read, and ordered as prayed.

Gibson *v.* Ross. — Appeal presented, and respondent ordered to answer in four weeks.

Casamajor *v.* Pearson. — Cross Appeal presented, and respondent ordered to answer in four weeks.

Aspinall *v.* The Attorney General. — Petition of the respondent for further time to lodge cases. — Read, and referred to the Appeal Committee.

Scalan *v.* Usher. — Petition of the respondent for leave to lodge cases (the appellant's agent consenting). — Read, and referred to the Appeal Committee.

Stuart (or Herriot) *v.* Carnegie; Fraser *v.* Carnegie. — Petitions of respondents to postpone the hearing of the appeals. — Read, and referred to the Appeal Committee.

Wheeler *v.* Hall; Clee *v.* Hall; Godson *v.* Hall. — Petition of respondent, that appellants may be required to print a further appendix. — Read, and referred to the Appeal Committee.

JOLY'S NATURALISATION BILL.

Returned from the Commons, agreed to.

DUCHESS OF KENT'S ANNUITY BILL.

Returned from the Commons, with the amendments agreed to.

SMALL TENEMENTS.

LORD REDESDALE presented a petition for alteration of the law relative to the rating of small tenements, — from the chairman and board of guardians of the union of Depwade. — Read, and ordered to lie on the Table.

RIVER SHANNON.

Second Report of the Commisioners for the Improvement of the Navigation of the River Shannon, with details of plans, &c., and an appendix. — Delivered (by command), and to be printed.

Adjourned.

HOUSE OF COMMONS.

PRIVATE BUSINESS.

Helsington (Westmorland) Inclosure; Gravesend Pier; Nottinghill Footway; Eastern Counties Railway; Edinburgh and Glasgow Railway. — Petitions for Bills severally referred to the Select Committee on Petitions for Private Bills.

PUBLIC BUSINESS.

MISCELLANEOUS PETITIONS.

The following petitions were severally presented; viz.: —

Election Petitions, — By Mr. MACKINNON, — of Lieutenant General William Thornton, for appointing the number of members to serve on election committees, as required by the Grenville Act, and a nominee on each side.

The HONOURABLE MEMBER, on presenting this petition, said: — The gallant officer, who is the petitioner, was, some years ago, a Member of this House, and he is most anxious that we should take means to restore the former practice contemplated by the Grenville Act.

Ballot, — By Mr. PARROTT and Mr. JAMES, in favour of, — form Totnes, and Brampton.

Marine Insurances, — By Mr. ANDREW WHITE and LORD GEORGE BENTINCK, for repeal of duty on, — from Sunderland, and King's Lynn.

Education, — By Mr. PHILIP HOWARD, — of the corporation of Carlisle, for a national system of education.

Negro Apprenticeship, — By Mr. PARROTT, Mr. WARBURTON, Mr. DIVETT, Mr. EDWARD BULLER, and Mr. GUEST, for abolition of, — from Pateley Bridge; Cheadle; Dawlish; chairman of a meeting of inhabitants of Dowlais; Shelton (two petitions); Totnes and Bridgetown; Bridport; chairman of a meeting of inhabitants of Merthyr Tydfil; Hanley; and Burslem. — To lie on the Table.

French Claims, — By Mr. WARBURTON, — of Clement Joseph Philip Pen, Baron de Bode, praying the House to take his case into consideration. — To lie on the Table, and to be printed.

Lower Canada, — By Mr. LEADER, against the war, and for redress of grievances, — from Finsbury; Westminster; New Sarum; St. Clement Danes, and Lambeth.

Fishguard Harbour Act, — By Mr. DENNISTOUN and Mr. F. H. H. BERKELEY, for repeal of clause imposing a passing toll, — from Glasgow; and chairman of the Bristol Chamber of Commerce, Trade, and Manufactures.

Sodor and Mann Bishoprick, — From Malpas, against suppression of.

Sheriff Courts (Scotland) Bill, — Of the president of the Society of Procurators practising before the courts of law in Perthshire, against. — To lie on the Table.

Frederick Smith, — By Mr. LEADER, — of Frederick Smith, lately a sailor in the Royal Navy, who states that, in the year 1812, he was induced to give up his pension of 4*l.* a year, on condition of getting a free passage to Canada, and receiving a grant of land on his arrival there; that the intention of the Government was subsequently altered, and that he received neither his pension, his passage, nor his grant of land; but that, on making an application, some time ago, he was allowed to receive his pension from that period, but not the arrears which had accrued for a period of seventeen years.

The SPEAKER. — Does the petitioner ask for money?

Mr. LEADER. — He asks that his case may be inquired into; he alleges that he is entitled to the arrears of his pension, for a period of seventeen years, less a sum of 8*l.*, which he received on account of composition, and he prays the House to take his case into consideration, and that he may be declared entitled to compensation.

The SPEAKER. — I think it must be

quite clear to the Honourable Member and to the House, that this is a demand for money; and further, that the petitioner was himself a party to an arrangement, by which he obtained his pension, without the arrears.

Mr. LEADER. — Under the circumstances, then, Sir, I will, with the permission of the House, withdraw the petition.

Petition, by leave, withdrawn.

GLASGOW COTTON SPINNERS.

Mr. WAKLEY. — I have to present the petition of the chairman of a meeting of members of the great Radical Association of London. There is, of course, a prayer to this petition, as there is to all petitions; but the petitioners have requested me to ask that the petition should be read by the clerk at the Table of the House; and to this request I trust no objection will be raised.

The petition was then read at length, complaining of the conviction in the case of the trial of the Glasgow cotton spinners, by a majority of one member of a jury consisting of fifteen persons, and praying that the case may be heard at the bar of the House, and that the Scotch jury laws may be assimilated to the jury laws of England. The petitioners deprecated the aspersions which had been from time to time cast on trades' societies, and added, "whilst we admit there is a rabble of trades, a rabble of lords, and a rabble of aristocracy, we do not say that there is a rabble of your Honourable House."

An Honourable Member. — I really think the language of the petitioners is very objectionable.

The SPEAKER. — It is matter for serious consideration whether this House ought not at all times to be very jealous in reference to any disrespectful allusions which may be made, as bearing upon the other House of Parliament; nay, perhaps the House should be more jealous on this point, than in the case of allusions made against itself. It is for the House to consider, therefore, whether the term "rabble," is not intended to show disrespect to the House of Lords.

Mr. GUEST. — I think my Honourable Friend will see that the term "rabble" seems something like an intentional disrespect to the House of Lords; and I therefore trust he will withdraw the petition.

Mr. WAKLEY. — I certainly shall not withdraw the petition; at the same time I am bound to express my opinion, that the petition would have operated better, if the expressions objected to had not been inserted. I say, I regret that they are there; but I have felt it my duty to present the petition to the House, and I do not think that there is any ground for inducing the House to reject it. Sir, it ought to be borne in mind that in petitions which have been presented to the other House, the representatives of the people of Ireland in this House, have been charged with perjury in regard to their votes on the Irish Church Bill. I hope that we shall not show that we are so particularly thin-skinned as to those who are not represented in this House. The working classes in this empire never can be represented whilst there continues a property qualification, which will always effectually exclude them. Really, under these circumstances, I think we ought not to exercise any hypercritical niceties as to the mode of expression adopted by these poor men.

Mr. GUEST. — From my position, I know as much of the people as my Honourable Friend, and have their interests as deeply at heart; but I think that the petition can do no good, and therefore, if my Honourable Friend insists upon pressing it, I shall move that it be not received.

Mr. JAMES. — I beg leave to second that motion. I am as friendly to the interests of the working classes as my Honourable Friend, or any other man can be; but I do not think the petitioners should use any insulting language.

Mr. WAKLEY. — I much fear that Honourable Members are disposed to be too captious on the present occasion. The petitioners do not say that there is a rabble of the House of Lords, but that there is a rabble of Lords. If the petitioners had said that there was a rabble of the House of Lords, or of this House, I should not press its reception.

An Honourable Member. — It is clear that the Honourable Member for Finsbury is raising a mere quibble, when he states that the petitioners do not say "the

House of Lords," and I think it the duty of the House to consider the matter. At the same time I say that the Honourable Member but ill vindicates the cause of the working classes, which he espouses, if he do not intimate to them his opinion that the petitioners have done wrong in bringing themselves under the notice of the House in this way.

Mr. WAKLEY. — I wish to have the sentence read again.

Mr. BROTHERTON. — I am, as I have ever been, a warm supporter of the working classes, but at the same time, I must observe, that I do not think the course which they have here adopted is one calculated to answer the end which the petitioners have in view. I would advise my Honourable Friend to withdraw the petition.

The passage having been again read,—

The SPEAKER said: — I would beg to draw the attention of the House to one circumstance. The petitioners state that "there is a rabble of the Lords," but that "they do not say there is a rabble of this House." Honourable Gentlemen, I think, will see, that the very fact of the exception made in reference to this House, as contradistinguished from the House of Lords, goes to show the feeling which dictated the objectionable words, although the words "House of Lords" are not used, but the words "of the Lords."

Mr. WAKLEY. — I should like to know in what manner these petitioners are to express their sentiments? They do not say there is a rabble of this House, for, on the contrary they expressly say they "do not say there is a rabble of your Honourable House;" but you choose to attach an *innuendo* to the remark which may furnish you with an excuse for rejecting the petition. The petitioners say there is a rabble of Lords, and so I think, because we all know there is a rabble in every class; but I have already declared my regret that the terms used, which are objected to, should be there. At the same time I do not see that their introduction into the petition ought to exclude it. If the Honourable Gentleman is determined to press his motion, I shall persist in mine, and will certainly divide the House upon it. I repeat, that the working classes are not represented here, that they ought to have the right to vote for Members of Parliament, and that until they obtain the right, I, for one, shall always look with calmness and coolness at expressions which I might otherwise regret.

Mr. CHARLES WYNN. — I should be very sorry to have it supposed that this House would reject a petition because they disapproved of its prayer; but this is quite clear, that there is no grievance so severe, which may not be stated in decorous and becoming language. And whether the terms used be indecorous to this House, or to the other branch of the Legislature, I think we are equally bound to reject petitions so worded. I am sorry that the Honourable Member thinks fit to divide the House, as I consider he would be doing much better by at once withdrawing the petition: he can afterwards procure an alteration in the terms. If, however, the Honourable Gentleman persist in pressing the petition on the House, I trust the House will maintain that which I regard as an important rule. It would be a dangerous precedent to allow this disrespect, inasmuch as it is well known that examples of this sort are speedily followed up, and that they go on from bad to worse.

Mr. ANDREW WHITE. — I quite agree with the Right Honourable Gentleman opposite as to the propriety of withdrawing this petition; and I am the more desirous that this should be done, because the Honourable Member for Finsbury admits that it is not worded as it should be. Those who know me, know that I am as much a friend to the working classes as any man, and that I have taken pains to advocate the extension of the suffrage with a view to allow them to have a vote for Members of Parliament. I hold that they are the worst friends of the working classes, who allow a petition to be presented to this House which is couched in uncourteous terms. Honour should be paid to those to whom honour is due. It is well known that the House of Lords comprises a great portion of the wealth and nobility of the country: if that petition is not withdrawn, I hope my Honourable Friend will persist in his amendment.

Mr. WAKLEY. — I feel myself placed in a very peculiar situation, and I hope the House will indulge me with its attention for one moment. I wish to discharge my duty towards those who have intrusted their case to me. The object of this petition is for a remission of the sentence which the petitioners think has been unjustly passed upon these unfortunate cotton spinners. They have but that one object in view; their object cannot be to insult the House, or to use expressions which shall be offensive to Honourable Members. I believe that the petitioners are actuated by the sole unadulterated feeling which they profess. I think it better, however, to withdraw the petition for to-day, and I will write to the chairman of the meeting at which the petition was agreed to. If he should consider that, in deference to the wishes of the meeting over which he presided, the petition ought to be presented, I shall offer it again, and take the sense of the House upon it. At the same time I readily admit that the petitioners would better serve the cause of those unfortunate men whose cause they advocate, by abstaining from any expressions which may be deemed offensive.

The SPEAKER. — I am quite sure that the Honourable Member, in order to promote the object he has in view, will explain to the petitioners that it is the last thing which this House ever attempts, to reject petitions of which the language is not offensive.

The petition was then, by leave, withdrawn.

Mr. WAKLEY. — I have another petition to present on the same subject; and I am happy to notice, that there is now no obstacle to the presentation of petitions, because in the year 1835, I recollect, we were obliged to wait for a month or six weeks, and never had an opportunity during that time to present them, owing to discussions being taken on every petition. But you, Sir, have made a rule to exclude discussions; and I think that no arrangement can be more advantageous to the public. I will, therefore, not infringe on the rule laid down, but beg leave to present the petition from the Working Men's Association of London, praying for a remission of the sentence passed on the Glasgow cotton spinners. I will only say, that I heartily concur in the prayer.

I have, also, to present the petition of the chairman of a meeting of the working classes of Glasgow, to the same effect.

Ordered to lie on the Table.

NON-ATTENDANCE OF THE MEMBERS OF GOVERNMENT AT FOUR O'CLOCK.

Mr. WAKLEY. — I find myself again placed in a peculiar situation. It does appear to me to be a hard case, that of the numerous persons who form the Members of the Government, not one is to be found in his place at the meeting of the House. Day after day this has occurred, and great inconvenience is caused by that fact. We are called upon by our constituents, from time to time, to put questions to the Government, which we are not able to do from the absence of all the Ministry. I hope that the situations of those Gentlemen are made agreeable and comfortable to them; but, I say, they ought to be here to answer questions. Not one Member of the Government is now in the House; and I complain of this system as one which does not seem to treat the public with respect.

GLASGOW COTTON SPINNERS, &c.

Mr. WAKLEY. — Sir, the Noble Lord the Secretary for the Home Department promised to let me know when the Lord Advocate was likely to be in his place, but the Noble Lord is himself absent, though it is now five o'clock. Under these circumstances, I cannot fix any particular day for my motion, but shall take an early opportunity of moving for a "select committee for the purpose of inquiring into the constitution, practices, and effects of a society which has long existed in Glasgow, under the title of 'the Association of Operative Cotton Spinners of Glasgow and its neighbourhood.'" If that motion be negatived, I shall move an humble address to her Majesty, praying for the mitigation of punishment in the case of the five unfortunate men under sentence of transportation. In submitting this motion to the House, I beg to state, that I do so from an imperative sense of duty, and with a conscientious conviction that these men were innocent of the charge for which they were tried. But as there are many Honourable Gentlemen who are frightened at the notion of bringing forward such subjects, I beg to say, that all the machinations of the Whig and Tory press, or of the aristocratic party, will not induce me to shrink from the duty of submitting this question fairly to the House of Commons and to the people of England.

The HONOURABLE MEMBER, having spoken to the Clerk at the table, and having returned to his seat, said: — Yielding, Sir, to the wishes of the House, I consented to withdraw the petition of the chairman of the Radical Association of London, on behalf of the Glasgow cotton spinners; but on my applying to the chief clerk for it, I hear I cannot get it back: such is the attachment of the House to it, it appears, that I am precluded from obtaining it.

The SPEAKER. — The Honourable Gentleman will see that the fact of his having insisted that the petition should be read at length by the clerk at the table, puts the House in possession of it; but the Honourable Member may have a copy made.

Mr. WAKLEY. — Oh, Sir! I wish to have the original; the House may keep the copy.

Seeing the Noble Lord the Secretary for the Home Department is now in his place, I beg to ask him when the Lord Advocate will be in town, or rather, when I may have an opportunity of bringing on the subject of the Glasgow cotton spinners?

LORD J. RUSSELL. — I have been looking about for the last two minutes to see the Honourable Gentleman, and should have adverted to the subject had I seen him. I cannot give any positive information as to when the Lord Advocate will return, but I believe he is coming up to town immediately. I have no objection that the Honourable Member should bring on his motion on any day next week, always provided, that if the Canada Bill should be protracted till then it shall take precedence.

Mr. WAKLEY. — I do not know what may be the fate of the Canada Bill, though I certainly think that my motion ought not to be delayed.

SIR R. PEEL. — I beg to inquire of the Noble Lord whether it is the intention of her Majesty's Ministers to institute any inquiry relative to the combinations of workmen, now going on to such an extent in all parts of the kingdom?

LORD J. RUSSELL. — The subject is one which has engaged much of my attention, but I cannot give a decided answer to the question of the Right Honourable Gentleman until I have seen the Lord Advocate, and heard from him various particulars which have not as yet reached me.

Mr. WAKLEY. — In consequence of the new regulation which was adopted at the beginning of the Session, I find it will be impossible for me to bring on my motion about the cotton spinners for many days to come. I wish to know whether the Noble Lord has any objection to fix Monday week for the purpose?

LORD J. RUSSELL. — I should propose Tuesday next; but it is just suggested to me that that will be a holiday. I will hold myself prepared to fix an early day for discussing the Honourable Member's motion, which is one, certainly, of great importance.

Mr. WAKLEY. — I am satisfied with this promise.

CONACRE TENANTS (IRELAND) BILL.

Mr. Lucas presented a Bill for the relief of Conacre Tenants in Ireland. — Read a first time; to be read a second time on Friday, the 2d of February, and to be printed.

SUPPLY.

Committee to-morrow.

PATTERNS AND INVENTIONS BILL.

Second reading on Wednesday, 7th of February.

LOWER CANADA GOVERNMENT BILL.

On the motion of LORD JOHN RUSSELL, the order for committee read.

LORD JOHN RUSSELL. — On moving that Mr. Speaker do now leave the chair, I wish to state to the House, that, on going through the Bill again, I have found many verbal amendments essential to be made, and it is absolutely necessary that some opportunity should be given for introducing them. I think it would be more convenient to the House to discuss the Bill with those amendments; and I now propose, if there be no objection, to commit the Bill *pro formâ*. I should observe, that the alterations which I have to make occur in the framing of the clauses, not in the substance of the Bill.

SIR R. PEEL. — When do you mean to proceed with the Bill?

LORD JOHN RUSSELL. — I shall be ready to go on with the Bill to-morrow. As I have already said, the alterations about to be made relate to the wording of the clauses, and not to the substance of the Bill. If the house, however, object to going into committee, I cannot withstand that opposition.

SIR R. PEEL. — I do not see any reason why we should not proceed to debate the different clauses of the Bill to-night. The Noble Lord has stated that he will proceed with this Bill *de die in diem*, and any alteration in this course, not justified by necessity, will produce great inconvenience. If there are substantial alterations to be made, that is a good reason for going into committee *pro formâ*; but if the amendments be merely verbal, I think we ought to proceed in the ordinary course, and go into committee on the Bill.

LORD JOHN RUSSELL. — I doubt whether the House can conveniently discuss the Bill in the manner proposed; there are a great number of amendments to be made in the framing of the clauses, and I never find Honourable Members willing to consider the principles proposed to be established, until the different clauses are brought before them in a proper form.

On the question being put, "That Mr. Speaker do now leave the chair," —

Mr. WARBURTON said:—As several Honourable Members have expressed a wish to deliver their opinions with respect to the principle of a Bill which goes to effect such important changes in the laws and principles by which one of the most important of the British colonies is governed, and as I have already had an opportunity of twice delivering my opinions on the subject, I intend on the present occasion to oppose the Speaker's leaving the chair, in order to give those Honourable Gentlemen the same advantage. I gave way, the other evening, thinking that sufficient indulgence had been shown me, and that I ought to yield to those who had not before addressed the House; but proposing, as I do, that which I consider the only radical cure for the discontent and disaffection which prevail in the colony, and as it has been repeatedly adverted to in the discussions that have taken place, I feel that I have some justification for presenting myself once more to the House in order to substantiate the views which I have expressed. The remedy which I conceive will remove all disaffection in these colonies, is—to propose an amicable separation between the mother country and these colonies; and I will state what occurs to me in defence of that proposition. I acknowledge that the mother country conferred the greatest possible boon on the colonies when in 1791 she gave them the benefit of popular representation; and having the advantage of this measure, the colony has endeavoured to obtain one by one a complete recognition of many important privileges and liberties which have naturally grown out of that measure; but the different colonial governors, who have been entrusted with the administration of Lower Canada, have in all cases opposed themselves to, and combated, the colonial feeling by their endeavours to resist the natural consequences which might be expected to flow from that principle of popular representation, that had been given to them by the Act of 1791. By one governor the members of the Assembly were committed to prison; by another the voting of the estimates by the House of Assembly was strenuously resisted. The Duke of Richmond opposed, to the utmost, the voting of the estimates item by item by the popular Assembly of Lower Canada. All measures calculated to maintain their liberties — all measures which their whole form of representation attached importance to — the governors who have been sent out from this country have opposed, and in this have, in too many cases, unfortunately, succeeded. I may perhaps be permitted to remark upon the charge of ignorance and want of intelligence which has been brought against the House of Assembly and the Canadian people generally.

Now, what is the proof to substantiate this accusation? Why, that out of a revenue of 200,000*l.* they have given 24,000*l.* for the purposes of national education. Is this a proof of ignorance and want of intelligence? Is this House prepared to vote nearly 10 per cent of the whole revenue for the support of education in England and Ireland? and yet you charge the House of Assembly with a want of advancement in civilisation, and say they are behind the spirit of the age, when they have actually granted nearly 10 per cent. of their whole revenue for the purpose of popular education. Look at the manner in which three successive Parliaments have been returned, and then deny, if you can, that the course which the House of Assembly have taken to secure the rights and liberties of the colony has won for them the confidence and affections of their constituents. I say, that by the Act of 1791, we gave to the province of Lower Canada the benefit of popular representation; and not being prepared to follow out the natural consequences that followed,—I say, that from our refusing to give all those necessary consequences, arising out of popular representation, have resulted all the unfortunate differences that have occurred. Let Honourable Members look to the resolutions which have been come to — not only in Lower and Upper Canada, but in the provinces of New Brunswick, Nova Scotia, Prince Edward's Island, and Newfoundland, and they will find that the people require not only popular representation, but that which naturally grows out of it, a responsible Executive. What I mean by a responsible Executive, is that if there be a majority in the popular Assembly against the Government put over them by the Colonial Government at home,—if they disapprove of their course and outvote their measures, — then such executive Government shall be dismissed, and other persons placed in their stead, who will act in conformity with the wishes of the majority of the people. What would be thought if this House were to outvote the Government on every important question, and that Government were still continued in power in spite of the popular feelings and opinions? What should we say, if, having outvoted the Government by ten to one, the Executive were still retained in power, and all the wishes of the people set at defiance? In the government of the colonies you have either given too little or too much. If you wish the Executive to be irresponsible in the colony, and to rule by mandates issued from Downing Street, you should not have given popular representation; but if the mother country gives to her colonies popular representation, she ought to be prepared to yield the indispensable consequence of her gift — a responsible executive. How long do you expect to be able to resist the force of popular opinion in the colonies? What did the Colonial Secretary say to the almost universal demand of the Canadians? Why that, to make the Executive responsible is incompatible with colonial government. Well, then, it follows that the standard by which every measure affecting the colonists is regulated, is, not whether it will tend to the advantage of the colonists, but whether it is calculated to perpetuate the superiority of the mother country? This is the standard upon which you act. Is it then to be wondered at that extensive disaffection and dissatisfaction should prevail in the colony; and can it ever be otherwise until you are prepared to give them a responsible Government?

I contend, that by large and liberal measures of concession at the present moment, comprehending an intimation to the colonies that, if they wish it, for the purpose of improving their forms of government, the mother country is prepared deliberately to discuss with them by what means the independence of the colonies may be brought about, — I say, if you do so, they will be ready to take any preparatory measure, and such a favourable impression will be made on the minds of the colonists, that they will accept from this country any enactments which may have that great object in view, and a thorough conciliation will be thus established between the colony and the mother country. But if, on the contrary, you determine, not only to restore, but permanently to maintain, your authority as it now exists, then no measure whatever which you can propose will be likely to produce amicable feelings of a lasting nature towards this country. The dissatisfaction which prevails in Canada appears to me to have arisen, not only from the circumstances which I have already pointed out, but from our attempt to force on the inhabitants institutions utterly inconsistent with their state of society. The state of society in the colony, disguise it as you will, is essentially democratic. The uniformly easy circumstances in which the inhabitants live, their institutions and laws, particularly that which shuts out primogeniture and establishes an equalisation in property — this state of society, I repeat, is essentially favourable to democratic institutions. Instead of framing the laws which this country intends to apply to the colonists, so as to suit this state of society, we have been endeavouring in vain to raise up an aristocracy in that country, to which it is proposed to intrust a large share in its legislation. Such a chimæra as that has never before been grasped at. Amongst others, Sir George Murray has talked of the great object which it would be to the mother country if an aristocratic body were formed, to which should be given that portion of legislation which falls to the House of Lords in this country. It is impossible to create such a body by any positive law or institution. The favourable light in which aristocratic institutions are viewed in those countries where they are established is supplied by old habits and historical recollections. It generally happens that the aristocracy is connected, though remotely, with the conquerors of a people, and thus are engendered and transmitted those feelings of a right to legislation on the part of the superior, and of submission on the part of the vanquished, which prevail in old countries. But to propose, in a country where there exists an equal distribution of wealth, to set up by law an aristocratic institution, is, I again maintain, the vainest chimera that ever entered into the mind of man. If such a thing were attempted, it could only end in the most extensive disappointment to that country which makes the attempt, and the greatest dissatisfaction and disaffection on the part of the colony, as is now the case in Lower Canada. Add to this the example of those rights which are the very foundation of the institutions belonging to the country immediately in contact with Canada, and by which a love of liberty is brought home to their very door. Such institutions, so presented, are as contagious in their influence as Voltaire declared that of a democratic government in France would be to the European states by which it is surrounded. But it is said by those who are opposed to an extension of popular rights to the Canadians, that their present condition is a very happy one, and that they enjoy great physical comfort. Why, Sir, I have always thought that men so situated were the fittest to be made the recipients of free institutions.

But, Sir, are we ourselves satisfied with mere physical comforts? Have we no moral wants? And is this country, that has supported Greece, Poland, South America, and Hanover, in their struggle for freedom, prepared to deny that aid to Canada? Will you refuse to the Canadains, to whom you have already granted a large share of liberty, the right of aspiring to a greater, and of enjoying all the advantages which arise out of popular institutions? I maintain, therefore, that so far from the physical comfort in which they live being any reason why they should rest satisfied with their present condition, it is the best possible argument in favour of granting them more extensive rights. When I say, "Emancipate your colonies," I do not mean that this course should be adopted in a hasty or partial manner, but that we ought maturely to consider by what steps we may make that emancipation comprehensive, and include, not only Lower Canada, but all the American colonies at the same time, so as to form all into one great federal union.

Various objections have been thrown out to my plan for the emancipation of the colonies. First, is is said, "The time is not yet come for such a change: the Canadians do not themselves wish for it; and so far from having any desire to part from the mother country, they are warmly attached to the continuance of the connection; and that a general disaffection has not been proved." But is it proper, then, to delay emancipation until disaffection prove the real wants of the Canadians? Is it not, on the contrary, most desirable to bring about this change whilst a good feeling towards the mother country still exists? Why not yield, to policy and justice, what will be forced from you, in the end, by extensive disaffection? "Oh, but the colonies do not desire separation, they express no wish for it!" Why,—for a very good reason. If any person in the colonies were to express such an opinion, he would be branded by the loyal party as a traitor, and therefore it is impossible to maintain such an opinion there. But if they desire a measure which you say is incompatible with their existence as a colony — if they are (of which fact there can be no doubt) in favour of a responsible Executive, which you say is incompatible with a colonial government, is not that alone a sufficient proof that they have a desire for emancipation? If, without adjusting the existing differences — without providing for the rights of the various parties in the colony, you were to force on a separation, I admit that there would be a convincing argument against an immediate dissolution of the connection. But what is the difference? It is not the hostility of races, as we have been so frequently told; but the jealousy which prevails in this respect arises out of that system of Orangeism which is kept up in the colony, and the undue favour shown to one, and the subjection and submission under which it is endeavoured to keep the other; and whenever we find that the laws are unequally administered, there we shall also see the existence of this feeling of jealousy and hostility among the people. When they suffered common grievances, previous to the year 1828, did we not find the two races join together in the most perfect harmony to petition and remonstrate with the Imperial Parliament in respect to those grievances? In the United States, where every race under the sun is to be found, — Dutch, French, English, German, Swedes, — but where we know that equal and impartial laws are extended to all, do we find that the existence of various races gives rise to any jealousy? When New Orleans became a part of the United States, did we find the French and English races employ themselves in cutting each other's throats? But did they not each agree in harmony together to support the national Government? I say, then, that if you extend to all classes in the colony the full benefit of just and equal laws — if you secure to both French and English settlers those rights they have acquired, all jealousy or hostility of races will cease, and all the difficulties which now surround you will vanish into air.

Now, Sir, I come to the point of emigration; that is a subject, I admit, of great importance to the mother country. But, as I stated on a former occasion, so I am still ready to contend, that with the emancipation of your colonies emigration does not cease; on the contrary, it is during that period of prosperity that follows the emancipation of the colony that emigration in its greatest degree takes place. What is at present the emigration hence to our North American colonies? Why, deducting the 5000 that proceed through these colonies to the United States, only 30,000 persons annually, whilst to New York alone there are 60,000. Thus the emigration to the single state of New York is double that to our North American colonies; proving to demonstration that emancipation in this case will be a benefit rather than an evil. I am not one of those persons who attach much importance to the question of the trade with Canada. I have always argued against the monopoly of the timber trade. Now, the whole amount of the export trade from Canada and New Brunswick was 1,500,000*l.* annually, and of that 1,100,000*l.* is of timber. Rather than engage in hostilities, I am prepared to give a lease to the timber monopolists for a term of years. I know that will be a less expensive course than to force the colonists into submission against their will; and, for themselves, they will be too happy to make such a bargain with you; and from our experience of the quantity of timber sent to this market from the United States, subsequent to the separation, we may know that the supply will not fail. Therefore, if any Honourable Gentleman attaches importance to the timber trade, — which I do not, — I have shown that it need not, in any way, interfere with the question of separation. The next point upon which emancipation has been opposed is, that there is a great amount of carrying trade between this country and the colony — that there are many ships engaged in this trade, and you think this is necessary as the best means of supporting our naval commerce. Now, in reviewing this question of trade, I must say, that it is in your power to continue that trade if you wish. I, however, do not think that the continuance of this trade with Canada is the best means of supporting our naval power. The best way of maintaining your naval power is to augment your wealth. And as to power; so far is a colony in a state of revolt, or in a state approaching to revolt, from being a source of power, that it is a source of weakness. It exposes the mother country to a large naval and military expenditure; and it constantly endangers the security derived from being in a state of peace with other countries. But it is said, that if we concede to Canada the points at issue, the effect may be contagious, and will extend to other parts of our colonial empire. Now, in the first place, many of our colonies are merely military posts, to which, of course, the principles applicable to such a colony as Canada do not belong. But where, as in Canada, there is an extensive territory, peopled with freemen, enjoying already so large a portion of civil liberty as to render them desirous to wish for more, I am of opinion that whenever the period arrives at which a people so circumstanced desire to have a larger share of freedom than they have hitherto enjoyed, they ought to have it.

Then, Sir, as to the pecuniary question, it is allowed on all hands that, in that respect, both the mother country and the colony would be gainers by a separation. The colony would become possessed of a simple and cheap government; the mother country would be free from all the naval and military expenditure to which the protection of the colony subjects her. Then it has been said, that, without a great sacrifice of national honour, we cannot allow separation. The best foundation of national honour is clemency and justice. If we persevere in retaining our rule over Canada, it will be a rule over a reluctant and disaffected people; it will be a rule which can be maintained only by such slaughterings and burnings as the different nations of Europe would scarcely be induced to think consistent with clemency and justice. Let it be considered how differently all our relations with Canada would be settled, if we were to settle them as benefactors instead of as oppressors. The period of separation ought not to be deferred until the desire for it, on the part of the Canadians, has arrived at such a height, that what we refuse to concede to justice we shall be compelled to yield to force. If separation were now given as a boon, all questions of right which might arise between the mother country and the colony would be moulded to our wishes, while a feeling of amity would continue to exist. In reading over the Bill, I, for one, am sorry to find that the power which is granted by it to the new Governor is to be confined to Upper and Lower Canada, and that he is not to be empowered to call together representatives from all the North American colonies, for the purpose of concerting measures to form a great federal union. That appears to me to be the only mode by which a lasting settlement of this great question can be effected, and, among other advantages, would provide some balance in that quarter of the world against the gigantic power which is growing up in the United States. If some such proposition had existed in this Bill,—if the emancipation of all our North American colonies had been contemplated in it, — that, in my opinion, would have been the best peace-offering that could be made; and, to effect that object, I should be willing to arm the new Governor with extraordinary powers. But the object proposed by the Bill is, in my opinion, of much too limited a nature to settle the existing differences. On these grounds I shall, in every stage, oppose the Bill; and although I would not advise those who think with me on the subject to divide upon the question of the Speaker's leaving the chair, I hope that, upon the third reading, the journals of the House will record their protest against the measure.

Mr. ELLICE. — I assure the House that I approach the consideration of this subject with great reluctance and difficulty. But, in consequence of what passed during a former debate, and of the apprehension that serious consequences might ensue from any great division in this House on any part of this Bill, and lead to misapprehension, in Canada, with respect to the feeling of the people of England on the subject, I have thought it my duty to submit to the consideration of her Majesty's Government, whether it might not be possible, looking at the advantage of unanimity, so as to alter the preamble of the Bill as to prevent any misunderstanding between the two great parties in the House.

[Loud cries of "Hear, hear!" and laughter, from the Opposition benches.]

The Honourable Gentlemen opposite may take this statement as they please. If I had only party objects in view, I think the House will do me the justice to believe that I would never have adopted the course which it is my intention to adopt on the present occasion. I am influenced by other duties and other feelings. I feel a great personal interest in the subject; and, indeed, that personal interest has been one great reason why I have not hitherto taken any part in the discussion upon it. But when I see all parties agreed, or nearly agreed, upon the principle of the measue,—for I must think, after what has been stated by the Right Honourable Baronet opposite (Sir R. Peel), and by my Noble Friend below me (Lord John Russell), that they are agreed on that general principle,—I conceive that we ought to get the better of party considerations, and to concur in endeavouring so to frame the measure as to make it calculated to produce the most beneficial effects, and to give to those who are to carry it into execution the best means of reconciling all parties.

Several HONOURABLE MEMBERS. — "Hear, hear!"

Mr. ELLICE. — I assure the Honourable Gentlemen opposite, who have received what I have just said with a cheer, that, until five minutes before I entered this House, nothing could be further from my intention than to make the proposition which I am now about to submit. I appeal to all my friends below me, whether they were aware of the course I am about to take, until I gave my Noble Friend notice of it just before I entered the House.

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But, as I am thus engaged in the discussion, I think that, before I proceed further, I ought to state to the House (and I will not trespass long upon their patience in doing so) the reason which induces me to give my support to the Bill under consideration. It may not be in the recollection of many Honourable Members of this House, that so early as in the year 1822, her Majesty's Government, at my suggestion, brought in a Bill for the union of the two provinces of Upper and Lower Canada. The principle on which I founded the proposition for this union, was the principle which has, on so many occasions, been advocated by my Honourable Friend the Member for Bridport, — the expediency of establishing a stong government in Canada, and of rendering it too great a power to be subject to the temptation of becoming one of the states of the United States; and of our establishing it on those principles of liberality and freedom, on which alone any undertaking of this nature can be successfully or benefically conducted. That we should press on the people of Canada none of those notions of prerogative and power which we hold to in this country; but that, so long as the connection continues, we should extend to them every advantage which can be afforded by it, and that we should satisfy the people that we are desirous that that connection should exist only so long as it can exist with greater advantage to the colony that to the mother country. I wished, in proposing that measure (and I believe these were the expressions I used on the occasion), that "we should establish a constitutional government in Canada, which we may reasonably expect ought to satisfy all classes of our fellow-subjects there; we ought to fix the arrangements respecting the Civil List in a manner that will not admit of any dispute or difference; having done this, we ought to govern the country with a silken thread, and whenever the Canadians express their desire to part from us, so far from forcing them to a further submission to the yoke of which they are tired, we should encourage them to make the experiment of self-government, under our protection." Such were the principles which I submitted to the Government at that time. When it is said that the people of Canada are suffering under grievances, I perfectly concur in the assertion. If Honourable Members will refer to the evidence which I gave before the committee, they will find that no man could be more sensible of the existence of those grievances than I was, and none more ready to extend a remedy. I stated those grievances, however, not as the grievances of one party, in one colony, but as the grievances of all parties in our North American colonies. What has been the course pursued with reference to Canada since that period? I am bound to say, that the government of that country has not been conducted on those principles which I advocated, and which were the best calculated to give satisfaction in the province. I am bound to say this; and my Honourable and Noble Friends below me know that such has always been my opinion. I think the Government ought, at the time to which I am adverting, distinctly to have stated to the people of Canada what they would do and what they would not do; and that when they were asked to give up the revenue, and place it under the control of the House of Assembly, they should, at once, have refused to consent to such a proposition. The government of Canada would be as impracticable as the government of Ireland would be, if one party were allowed to hold the purse-strings of the state, and to say whether or not they thought it fit that the public officers of the state should be paid. Suppose the Lord Lieutenant of Ireland were to be placed in such a situation, with two rival parties in the country; that the party which, as I think (although, perhaps, the Honourable Gentlemen opposite may differ from me on this point) have just raised themselves from that state of oppression, under which they so long laboured, were to be entrusted with a domination over the party by whom they were formerly oppressed; what would be the inevitable consequence? It is well known that an oppressed party, when their turn of power arrives, become the greatest oppressors. It would be impossible for this country to administer the government of Canada, if the purse-strings of the province were to be placed in the hands of one of the parties. It was on this account that I differed entirely in opinion from Lord Goderich, when that Noble Lord, by giving up the revenue, gave up the only means by which it was possible to govern the conflicting parties in Canada. That revenue having been abandoned, I well knew that other demands would soon follow. Before making such a concession, we ought to have considered what practical means existed of carrying on the government of Canada. It is all very well to talk of a system of liberal government. Those who know me know very well what my political principles are; and I believe I shall never be accused of shrinking from the assertion of liberal principles, or from the application of those principles, in any case in which they are applicable. It may be said, that it is proper and necessary that a nation should be governed by means of the majority of the people. In ordinary cases, I admit that that principle is perfectly correct; but the application of it to the existing situation of Lord Canada can never be approved of by those who calmly consider the feelings, passions, and prejudices of men. Lower Canada never can be governed by the majority; neither would it be possible to govern it by the minority. Government ought to have kept in their hands the means of paying for the administration of justice, and for the other civil expenses of the province. When they were required to surrender those means, they ought to have refused to do so, and to have said at once, an all questions of right which might arise between the mother country and the colony would be moulded to our wishes, while a feeling of amity would continue to exist. In reading over the Bill, I, for one, am sorry to find that the power which is granted by it to the new Governor is to be confined to Upper and Lower Canada, and that he is not to be empowered to call together representatives from all the North American colonies, for the purpose of concerting measures to form a great federal union. 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I think the Government ought, at the time to which I am adverting, distinctly to have stated to the people of Canada what they would do and what they would not do; and that when they were asked to give up the revenue, and place it under the control of the House of Assembly, they should, at once, have refused to consent to such a proposition. The government of Canada would be as impracticable as the government of Ireland would be, if one party were allowed to hold the purse-strings of the state, and to say whether or not they thought it fit that the public officers of the state should be paid. Suppose the Lord Lieutenant of Ireland were to be placed in such a situation, with two rival parties in the country; that the party which, as I think (although, perhaps, the Honourable Gentlemen opposite may differ from me on this point) have just raised themselves from that state of oppression, under which they so long laboured, were to be entrusted with a domination over the party by whom they were formerly oppressed; what would be the inevitable consequence? It is well known that an oppressed party, when their turn of power arrives, become the greatest oppressors. It would be impossible for this country to administer the government of Canada, if the purse-strings of the province were to be placed in the hands of one of the parties. It was on this account that I differed entirely in opinion from Lord Goderich, when that Noble Lord, by giving up the revenue, gave up the only means by which it was possible to govern the conflicting parties in Canada. That revenue having been abandoned, I well knew that other demands would soon follow. Before making such a concession, we ought to have considered what practical means existed of carrying on the government of Canada. It is all very well to talk of a system of liberal government. Those who know me know very well what my political principles are; and I believe I shall never be accused of shrinking from the assertion of liberal principles, or from the application of those principles, in any case in which they are applicable. It may be said, that it is proper and necessary that a nation should be governed by means of the majority of the people. In ordinary cases, I admit that that principle is perfectly correct; but the application of it to the existing situation of Lord Canada can never be approved of by those who calmly consider the feelings, passions, and prejudices of men. Lower Canada never can be governed by the majority; neither would it be possible to govern it by the minority. Government ought to have kept in their hands the means of paying for the administration of justice, and for the other civil expenses of the province. When they were required to surrender those means, they ought to have refused to do so, and to have said at once, and therefore that I would urge upon the House, and particularly upon my Noble Friend below me (Lord John Russell), the propriety — I would, indeed say, the absolute necessity — of coming to some general arrangement with the other side of the House upon this question. Gentlemen in England, as well as in Canada, know that I, connected as I am with the latter, have always studiously avoided taking part with either side. I know the grievances of both. I have always expressed to both my readiness to assist them in the removal of any grievance that oppressed. But I should be ashamed to stand up in my place in this House as the vindicator of rebellion on the one part or of oppression on the other. I quite agree that my Noble Friend the Earl of Durham should, in all ways and by every means, consult the popular feeling of the Canadians in those measures which he may recommend to Parliament for the future government of the province; and I think, perhaps, the safer way would be, to allow my Noble Friend to take his own means of ascertaining the feelings of the people in this respect.

We are now under no difficulty with respect to the Upper province. The difficulty there, indeed, has never been of the same character as in the Lower province. In Upper Canada, those who seek to disturb the peace, and those who defend and maintain it, are all of the same race,—all bred under the same law. The people in Upper Canada have fought their own battle, and I rejoice at the result; and when I see M'Kenzie and his unfortunate followers fairly beaten out of the province, — when I see them signally defeated in their attempt, not to obtain the redress of grievances, but to rob and plunder the city of Toronto, — I confess that I do not feel for them in the same way as I do for the insurgents in the Lower province. I trust, however, that in the Upper province, as well as in the Lower, all unnecessary cruelty will be avoided, and that not one drop of human blood will be shed more than snall be absolutely required to satisfy the imperative demands of justice. Under ordinary circumstances, the more prudent course would be to call together a deputation of the two provinces; but, in the present heated state of the colonies, I see many circumstances which would render it unadvisable to bring together two parties so opposed to each other as are the two great parties in the Canadas. I can well understand the principle upon which this scheme has been placed in the preamble of the Bill. Her Majesty's Ministers were aware that they were proposing a very strong and arbitrary measure, in suspending the constitution of Lower Canada. I, however, know they did so with the full intention of restoring it again, so soon as the circumstances of the colony would justify them in so doing. It was, therefore, perfectly natural that, in bringing forward such a measure, they should wish to explain those intentions to the House. The Right Honourable Baronet the Member for Tamworth proposes, however, to strike out of the Bill that which does, in some degree, take from its arbitrary principle,—that which gives to the Crown the power of repealing its enactments; therefore if I vote for the amendment proposed by the Right Honourable Baronet, the people in Canada will say, "Oh! this is the man who voted for the imposition of an arbitrary measure upon us; this is the man who would not assent to the least modification of it; this is the man who would not allow the people of Canada to meet and concert measures for their own self-government." With the Right Honourable Baronet's feelings and views, I do not wonder at the course he proposes to adopt; but it is a course in which I cannot follow him. I humbly submit, that no instructions should be given to the Noble Earl who will have the carrying of this Bill into effect;—that no restrictions should be placed upon him that may interfere with his calling to his aid and advice, by the most popular election, persons fully conversant with the feelings and opinions of the people, and the state of the colony, for which measures will have to be proposed. I know that, if my Noble Friend has not this power of fully and fairly consulting with the people themselves, his mission will be ineffective; and I much doubt whether my Noble Friend will consent to undertake the arduous responsibility which this Bill will impose upon him, unless he is left unfettered in this respect.

Upon these grounds, I hope that my Noble Friend below me (Lord J. Russell) will not urge the House to a hasty decision upon the subject. I trust he will consent to some arrangement in this matter. I do not like to set a bad precedent upon a good occasion, lest it should be referred to and acted upon as a good precedent upon a bad occasion. Therefore I am reluctant to sanction a course which will enable her Majesty in council to repeal an Act of Parliament. But, at the same time, the Right Honourable Baronet (Sir R. Peel) must at once perceive that, unless the Governor General be armed with powers that will enable him immediately to assemble a council of the people about him, there will not only be a great loss of time, but, in all probability, the Noble Earl, upon whose shoulders the great responsibility of the mission is to be thrown, will not undertake the task imposed upon him. Whatever opinion may exist upon the other side of the House, I know of no person so fitted to undertake the task of remodelling the government of Canada, and of giving it a permanent form, as the Noble Lord who, at great personal sacrifices of his own, has consented to enter upon the task. But we must look to this case not only with reference to my Noble Friend the Earl of Durham,—not in reference to the particular person by whom the provisions of the Bill are to apply,—but in reference, rather, to the peculiar circumstances of this particular case, and the people to whom the Bill is to be applied. Therefore, considering, on one hand, the time that might be consumed if the Governor General were not armed with powers to assemble a council when he needed it; and, on the other hand, considering the irritating discussions which might take place if such a council were assembled at the wrong moment, I think it would be better to place such powers in the hands of the Noble Earl, as will give him every possible facility in carrying out his own views. I trust that the Right Honourable Baronet opposite (Sir R. Peel), upon further consideration, will entertain the same opinion, and consent to withdraw his amendment.

I wish now to say a few words with respect to the much-vexed question of the tenures of lands. I am aware that the Canada Tenures Act was passed at a time when I was connected with the Government; and although the Attorney General for Canada and two judges were consulted, who were perfectly conversant with the French law, and all questions arising from it, still that Act was so defective that it required to be amended in the following year. But no individual, who had anything to do with the framing or with the passing of that Act, ever imagined that any man would be forced by it to change his tenure. The object of that Bill was only to give to those persons who might choose to avail themselves of it, an opportunity of acquiring a safer and more perfect tenure than he could possibly have under the old law. Up to the year 1828, no land was granted except by free and common soccage. Now, many persons had supposed that they held their lands under the English law of soccage; and others, under the ancient French law; and great confusion resulted in consequence. The Canada Tenures Act, therefore, was to render the tenures more certain. I admit that the provision of the English law, with respect to primogeniture, is not applicable to Canada; and, in my evidence before the committee in 1828, I stated that the law of tenures was not consistent with the habits or feelings of the people; that it was distasteful to them, and therefore ought to be changed. I object to any compulsory law to affect property under any tenure. All that we should take care of in this matter is, — that our legislation (with respect to Canadian tenures) should be on the simple and plain rule of the practice, as in the other states of North America.

I thank the House for the attention with which it has favoured me. I certainly did not intend to have spoken upon this occasion, but I feel bound to state that I think I see daylight through the mist of difficulty which surrounds the question. I think there will be little difficulty in bringing about such an adjustment of the matters in dispute as shall be satisfactory to all the parties interested. I believe that the people of Lower Canada are by this time perfectly satisfied that they have nothing to gain, and that they can gain nothing, by opposing the mild and temperate government of the parent state. I have heard some Honourable Gentlemen talk of emancipation. I want to know what the word "emancipation" means, as applied to Lower Canada? I want to see the dispute fairly settled. I want to see the two parties in Lower Canada placed in such a condition as shall afford a complete protection to both, without giving undue preponderance to either. This is what I wish. If ever it come to be a question whether British dominion shall be maintained in Canada for British objects only, then I should say that it would be better a hundred times to assist them in the experiment of self-government. Whilst I state this opinion, and shall always act upon this principle, let it not be supposed that I think the Canadians so short-sighted as not to perceive the advantages they possess from their connection with this country. Upon all points of taxation, local as well as general, they are ten times better off than the people of the adjoining provinces of the United States. Many Gentlemen in this House are fond of talking of the amazing cheapness of a republican form of government; but the people of Canada, under the dominion of the British monarchy, are subjected to an infinitely smaller amount of taxation than the people of the republican states of

America. If, indeed, it does so happen that the Governor of the British provinces, brought up in English society, and accustomed to English habits, has a somewhat larger salary than the President of the American republic, or if, again, a gentleman taken from the bar of England, abandoning a lucrative practice, and breaking off all future connection with home, receives as a compensation a somewhat larger salary than the judges of the United States,—these are not circumstances that should be quoted as a grievance by a people whose taxation is so low, and whose external defence does not cost them a single shilling. I have the greatest hope that the people of Canada will perceive the folly into which they have been led, and that these wretched scenes of bloodshed and burning will not be repeated. I believe, when the matter has been once vigorously grappled, that it will not be so difficult to strike out those means by which alone this country could ever maintain its dominion over Canada, namely, the distribution of equal justice to both parties in the province, by a more judicious administration of the executive authority and a better administration of the judicial. From the personal feelings which I entertain towards Lord Durham—feelings in which I cannot expect the Honourable Gentlemen opposite to participate—I confess I expect much from that Noble Lord's firmness and correctness of understanding. I cannot conclude my observations without again asking my Noble Friend (Lord John Russell) to reconsider the question with respect to the preamble.

LORD JOHN RUSSELL.—I feel it incumbent upon me to address a few words to the House after the speech of my Right Honourable Friend. I must observe at the commencement of my observations, in consequence of some ironical cheers which came from Gentlemen opposite, that I think the House is greatly indebted to my Right Honourable Friend for stating his sentiments on this occasion; and I must also confirm the statement which he made, that until I entered the House this evening I was perfectly ignorant of his intentions. I have listened with great attention, and also with great instruction, as I always do, to my Right Honourable Friend, whenever I have occasion to hear him, either in public or private, and whether upon the affairs of Canada or any other topic; but still I will add, that there some points connected with the present question upon which I do not exactly agree with him, and upon which, after what he has said, I feel it incumbent upon me to address a few brief observations. In the first place, I must refer to past transactions. My Right Honourable Friend, in alluding to this struggle, seems to be of opinion—an opinion, certainly, which I have heard him express before—that an error was committed in giving up the revenues which, by the Act of 1774, belonged to the Crown, and that that ought to have been the point upon which the first resistance should have been made to the demands of the Assembly. Now, I certainly so far am not responsible for the Act of 1831 that I was not at that time a member of the Cabinet; but I must say that, viewing, as I am obliged to do, the events which have occurred in Canada during the last few years collectively, my opinion certainly is that Lord Ripon was justified in proposing the repeal of the Act of 1774, and not entering into a contest with the Assembly upon that point. I am so far bound to give an opinion upon that subject, because, even if Lord Ripon had been in error, it was competent to us in the course of the last few years to have proposed a repeal of the Act introduced by that Noble Lord. But I beg to call the attention of the House, for a moment, to the state in which the question would then have been placed. The Act of 1774 enforced certain duties. It applied those duties, levied in Canada, to the civil government of the province, to be appropriated to that purpose by the Lords of the Treasury; but it also directed that if there were any residue, that residue should be at the disposition of Parliament. Now, the claim of the House of Assembly was this: it was not a claim, as I imagine—and I speak now according to the opinion of the learned gentlemen who were consulted at the time—it was not a claim which they could place upon the strict grounds of law; but it was a claim which they could place upon the ground of the constitution. They said, "According to the Acts of 1778 and 1791, you left to the representatives of the people in the provincial Legislature the appropriation of the supplies, and you ought not, by a new law, to make an exception to the general rule—a rule that, according to the constitution, ought to apply to all duties levied upon us."

Let it be recollected, that it was upon this question, and mainly upon this question, that the quarrel happened between England and the United States. The United States of America expressly denied this right which was asserted by the Parliament of Great Britain. The Parliament of Great Britain, by the Act of

1778, expressly, and in terms, renounced this right over any of her colonies having representative constitutions of their own. To have quarrelled with Canada upon that ground, therefore, would have been to awaken a sympathy for the people of that province, not only in the British colonies, but in the United States of America, because in every state, both ancient and modern, that privilege is the most dearly prized—that privilege is considered the most important of all,—which the people look back upon as that upon which their liberty and independence were first founded. I say, therefore, differing from my Right Honourable Friend in that respect, that if we had chosen to break with the Assembly of Lower Canada upon the question of the appropriation of duties, we should have had against us not only the feelings of the Canadians themselves, but the feelings also of all the other North American possessions of Great Britain, as well as the feelings of the people of the United States. Of course, when my Right Honourable Friend says that in this manner the government might have been maintained, he can hardly mean — surely he does not mean — that we should then have had the means of carrying on the government independently of the Assembly, or, as would necessarily be the case, against the whole of the Assembly? I am sure that that is not the meaning of my Right Honourable Friend. Yet by following the course which he says he should be disposed to recommend, we should have called the Assembly together, we should have come to a breach with that body, and upon a point which would not have been made very intelligible to the people of this country, who would have argued in favour of the principles of the British constitution as applicable to Canada. The breach, too, would have been upon a point on which the most sensitive feeling exists in America.

But I will enter no farther into matters that relate to the past. My Right Honourable Friend recommends to me a most serious consideration of the preamble of the Bill. Now, I will fairly state to the House, without entering into any particular argument with respect to the preamble, what is the general view which I take upon this subject. I consider, that in undertaking a settlement of the affairs of Canada, the Government has a most important, a most difficult, and a most responsible duty to perform. It requires nothing less than the agreement of Parliament in the general line of policy proposed to be pursued, to make it either justifiable in the Government to undertake the settlement, or possible for the Governor General to succeed in his endeavours to accomplish it. Now, a part of the mission which has been entrusted to the Governor General is, to give him the power, if he shall so think fit, of calling together a certain number of persons who may be supposed to speak, in some sense, the feelings of the people of these provinces. Whatever the feeling of the House may be upon the point, I am sure it is one that cannot be a matter of indifference to my Right Honourable Friend; because, in the latter part of his speech, speaking of a measure in which he himself took great interest — in which his object was a right object, and upon which he pressed Parliament, with many views of policy which were right views — my Right Honourable Friend, in speaking of that measure, admitted that it contained this great and serious error, namely, that it established, upon certain lands, the law of primogeniture; the law of primogeniture being contrary to the habits and feelings of the people. I think, too, my Right Honourable Friend will not deny that, with respect to that measure, there are other points that require consideration. Then I am sure my Right Honourable Friend will be the last man to say that it is not of the utmost importance that the Governor General should be enabled, not only to express his own sentiments,—not only to give his own views,—but that he should also be enabled, some authority vested in him for that purpose, to collect, if he should so think fit, in some authorised and formal manner, the opinions and feelings of those who are deeply connected with these provinces. I admit to my Right Honourable Friend, — who, I think, does not differ in fact from our policy, that it may be entirely inexpedient to call together such a body as is named in the instructions of the Governor General. It will be for the Governor to exercise his discretion upon that point. It will be for the Governor to determine whether the provinces are in such a state of general contentment and agreement as will render it advisable to call about him such a council. I admit that the assembling of a council composed of the inhabitants of the province, at a time when there is no prospect of their acting in concert, and with a general desire to promote the settlement of all matters in dispute, would be in the highest degree unwise and inexpedient. But when I say this, I say, at the same time, that to authorise the Governor General so to collect the opinions of the people of the province, is a very considerable part, and a very striking part, of the general policy which we propose to pursue. It is due to Parliament, it is necessary to the Government, and necessary to the Governor General, whoever he may be, that that part of our policy should not be concealed or withheld.

It is necessary that every Member of Parliament should have the opportunity afforded to him of saying, if he so think fit, "Upon this point of your plan I entirely agree with you, or entirely differ from you." There are various modes of doing this. I do not say — and I beg my Right Honourable Friend's attention to this — I do not say, I am far from contending, that the mentioning of this instruction in the preamble of the Bill was the only way, or, indeed, the most usual way, in which the knowledge of Parliament could be directed to the subject; or the most formal way in which the sanction of Parliament could be given to it. I am quite ready to admit, that if the Right Honourable Gentleman (Sir R. Peel) opposite had grounded his opposition to the preamble simply upon the ground of its not being in the usual form — if he had said, "You have an irregular mixture here of prerogative and legislation," I should have been ready, for the sake of unanimity upon the Bill, to have said that I would not stand by the words of the preamble. But the Right Honourable Baronet, it is obvious — having certainly a perfect right so to do — has placed us in this difficulty. He makes the objection with respect to the unusual form of the proceeding, and at the same time states that he thinks the course is, in itself, unwise, and ought not to be pursued. Now, if we were to consent to withdraw these words from the preamble — one of two inferences, or indeed both inferences, might be drawn: it might be said, Parliament has not approved of this mode of legislation; or, on the other hand, it might be said, "Parliament has condemned this policy — Parliament is not ready to consent that the Governor General should go out to Canada with these powers." If the Right Honourable Baronet were disposed to bring the general question of the policy proposed to be pursued to an issue upon any other ground, I should have no difficulty with respect to the preamble. But as this is the only point of view in which the Right Honourable Baronet has brought it forward, I own I feel the greatest difficulty in complying with my Right Honourable Friend's advice. I feel this, Sir, — I feel that these measures cannot be carried to a perfect and satisfactory conclusion, unless — (I am not now going to enter into any discussion of the merits of Lord Durham) — but I feel that these measures cannot be carried to a perfect and satisfactory conclusion, unless some person of eminence shall go out from this country, in the full confidence of the Government, which exists at home; and unless, likewise, the Government at home can undertake the measures it proposes with regard to Canada, with the full confidence and support of Parliament. For my part, — feeling deeply the responsibility which we have already incurred with respect to Canada, having always felt that it was one of the most painful as well as one of the most difficult subjects which we could undertake, — I am not prepared to carry into effect the Bill with regard to Canada, if it be in the power of any body of Members in this House, or in the power of the public in general, to say that the policy which the Government has proposed with respect to Canada is disapproved of by a majority of the House of Commons. I am not prepared to say that we can undertake to carry the Bill into effect, if hereafter it may be said that the Governor General, in acting upon his instructions, has acted contrary to the wishes, — contrary to the will, — of the House of Commons. This is a point which I wish to be explicit upon. I will not enter now — I need not enter now — into the manner in which the Bill is to be carried out; but this I do say, that we must stand clear upon the point of having with us the consent and approbation of Parliament. If this Bill is to be altered in many of its provisions, or if it is to be a different Bill, let those who have made it different, let those who approve of a totally different policy, be the persons responsible for the execution of the Bill. It would be far better for the country, far better for the Canadians, and far better for the general interests of the empire, that the matter should, at least, be compact — that those who advise the Crown, and those who have the confidence of the House of Commons, should, at least, be the same persons; and that there should be no descrepancy between the two. I say, therefore, that I think my Right Honourable Friend attaches too much importance to the particular words of the preamble. I think if the words of the preamble were left out, there would still be the remaining difficulty, of what is the feeling of the House with respect to it. There would still be the question, "Is the House in difficulty with respect to the terms of the preamble? — has the House a difficulty in sanctioning such a mixture of legislation and prerogative, or has the

House a decided opinion that the Governor General ought not to go out with these instructions?" I beg my Right Honourable Friend and this House to consider well this point, on which, sooner or later, this House must come to a decision. I do not think I am asking too much of Honourable Gentlemen, when, admitting that the policy which is proposed to be one of great severity, — and admitting, also, that I am placing in the hands of one individual, assisted, if he pleases, by a select council, and maintaining his authority instead of the local Legislature, which has been constituted by the Parliament,—I ask them to be ready to approve the course which we have pursued, and the policy which we have adopted, to redress all grievances, and to prevent future ills.

SIR R. PEEL. — Sir, it is my intention, notwithstanding what I have just heard, steadily to adhere to the course which I, on a previous occasion, stated that it was my intention to pursue; because, I am satisfied of the justice and reasonableness of the propositions I then made. If I had entertained a doubt upon the subject (which I do not) before the declaration of the Right Honourable Gentleman opposite (Mr. Ellice), who, from personal and local knowledge, is so well qualified to form an opinion of the interests of Canada and of the real nature of the Canadian question, and who this night has made a speech confirming, in every respect, the impressions which I had formed of the Right Honourable Gentleman's competency to judge in the matter, that doubt is now removed, for the Right Honourable Gentleman has (I will not say it was extracted from him) borne a willing testimony to the reasonableness and justice of my propositions. Confirmed, therefore, by the sentiments and opinions expressed by the Right Honourable Gentleman,—not that I was hesitating or wavering before, — it is my intention to adhere to the course I have already stated: I shall neither, on the one hand, be tempted to depart from that course which, in the present great emergency, I believe to be just, for the purpose of conciliating the support of those who entertain political opinions to which I am opposed, nor shall I weaken the support promised to the Crown, in order to suppress revolt, by selecting out some point on which men of different opinions might concur; but I will not permit the vague intimation of the Noble Lord opposite (Lord J. Russell), as to the consequences of the success of my views and opinions, to induce me to depart from the course I have proposed to adopt. On the first night of the present Session I gave my support to the address to the Crown, pledging this House to support the Crown in the suppression of revolt and insurrection; that address was carried by an immense majority, none of those with whom I have the satisfaction to act refusing their support to that address. Another proposition has since been made by her Majesty's Government, requiring the consent of Parliament to a Bill vesting in the hands of the Governor General of Canada great arbitrary authority. The Government have intimated the name of the Governor General whom they have selected, and my declaration has been that I shall pay all respect to the position of the person chosen by the Crown to administer those functions; that I forget all political differences with Lord Durham; that I will give to that Noble Lord every authority necessary for the execution of the trust that I would give to any man whose politics were in close alliance with my own.

The principle to which I adhere, and upon which I shall act, will be to discourage revolt, to enable the Crown to suppress insurrection, and to make ample provision for the conduct of the Government after the constitution has been suspended; but I cannot agree with the Right Honourable Gentleman opposite (Mr. Ellice), that any public object can be gained by any understanding or compromise between parties, in order to avoid a division. Let those on my side of the House suggest and propose their amendments, and let those amendments be adjusted and disposed of according to their justice or reasonableness; but it would not answer either the views of the Right Honourable Gentleman or of myself that the general assent of the House should be purchased by any compromise; or that I and those who act with me should acquiesce in that which they believe to be unjust and impolitic, for the purpose of encouraging an impression in Canada that the House of Commons is united in opinion, when the fact is otherwise. I must tell the Noble Lord opposite (Lord J. Russell) fairly, that my objection to the preamble of the Bill is not a mere objection in point of form; I think it, certainly, to be most unwise to mix up in the preamble of a Bill a recognition by Parliament of any act done under the prerogative of the Crown. I think it quite right that the Crown, being satisfied as to the necessity of exercising certain powers, should do so, and then apply to Parliament for its justification. If the law be defective, and it be impossible to act without the intervention of Parliament, then let such application be made on that ground; and if aid be withheld, then let the Crown either retain or relinquish the Government under whose advice that application was made; but I certainly do object to the confusion between the prerogative of the Crown and the functions of Parliament, which has been implied by the recognition, beforehand, of a certain act done by the Crown. It is a precedent not only dangerous, but one which may be perverted to the worst purposes, and which may relieve the Crown and its advisers from the responsibility which they ought to take; and thereby lead to confusion between those two branches of the Legislature. On that ground, I object to the preamble. I do not propose to move the simple omission of the words in question, but I shall propose the substitution of others, by which I intend to imply that Canada is not to be governed by despotic authority; and that the only hope of governing the North American provinces is, by the intervention of a constitution,—by constitution, I mean free representation. But, independent of the objection in point of form, I avow that I entertain great doubts as to the policy at present; I object — beforehand, and without further information,—to give my sanction to the measure as it stands.

I have already distinctly said that I will impose no restriction on the prerogative of the Crown; but in the absence of information, and in the state of public feeling which exists on this subject, I do claim for myself and others that we shall not be called upon to sanction any particular instructions, which, in the exercise of the Royal prerogative, have been given to the Governor General. If I were to give my sanction to those instructions, I should be placed in the situation of a responsible Minister of the Crown, and be a participator in the responsibility of the Ministry. Do I doubt that it might be right that Lord Durham should collect information from all quarters? Do I doubt that it might be advantageous that the state of feeling in both the Canadas should be ascertained? Not at all; but I am not prepared to say that it is fit and proper for the House of Commons to prescribe to Lord Durham the mode in which he should take that information — I am not prepared to say that a certain assembly should be called together now, or in the next year; or, that, in the state of exasperated feeling which exists in that province, the assembling of two constitutional bodies in great numbers, —and the bringing together the two Canadas, if not into collision, at all events into contact, is a wise measure; neither am I prepared to say, that, having suspended the whole representative principle in Lower Canada (and these are sentiments which those Honourable Members who are opposed to me in politics must concur in, and affirm), ten men selected from five districts in Canada would be a full, fair, and free representation of the people of that colony. I know nothing whatever of any representative system in Canada, except that which is by law established, and which you are now about to suspend. The House of Representatives consists of eighty individuals at this moment, who are the only recognised organs of the sentiments entertained by the inhabitants of Lower Canada. The propriety of suspending that assembly in the exercise of its legislative functions is the question now proposed to the consideration of the House; but I certainly cannot consent to the declaration that ten persons, selected from five districts by the ordinance of the new Governor, in pursuance of a new mode of election established by him, and with a newly-constituted tribunal for settling those disputes which will probably arise as to the eligibility of the individuals returned, and the legality of their election; — I never can be brought to allow, in the words of the preamble of the Bill, that the persons so selected will constitute a fair and fitting representation of the sentiments of the Canadian people. I never can believe that the Members of the British House of Commons, who, in a constitutional point of view, are the guardians of the representative principle, can consent, through the agency of this Bill, to the abolition of that representative system which the constitution of both Canadas has established, and at the same time give their sanction to the declaration that ten persons selected in the proposed manner will form a fair and fitting representation. This is a point with reference to which I rely with much confidence upon the support of the House. Upon this ground, therefore, I object to the principle of the measure. When Lord Durham shall arrive in Canada, he may possibly find it practicable to carry the proposed arrangement into effect; but if I were asked, beforehand, whether, in a province in which martial law is established in many districts — in which rebellion has been only just suppressed — if I were asked whether it would facilitate the adjustment of the important interests — the settlement of the vital questions at issue — to take twenty-six gentlemen, six of them chosen by the Governor from the members of both Legislative Councils, ten of them elected by the inhabitants of Upper Canada, whose feelings and interests are directly opposed to those of the people of Lower Canada, and to give them a majority of sixteen to ten, composed of individuals known to be opposed in feeling to the inhabitants of the Lower province, I should at once declare that I am not prepared to answer in the affirmative.

I am not disposed to place any restriction on the authority of the Crown; neither am I actuated by any unworthy desire to embarrass those with whom the responsibility rests; but I must protest against an independent Member of the House of Commons, like myself, owning no relations but those of a faithful representative of his constituents' opinions, and an eager solicitude for the preservation of the constitution in its integrity, being called on to become a party to this extinction of the representative principle. May I not contemplate this result, — that the people of Upper Canada will refuse to comply with the proposed regulation,— a result which does not appear at all improbable, considering that the inhabitants of that province have, at the present moment, a Legislative Council and House of Assembly in full activity and numbers, sitting and discharging legislative functions under the sanction of an Act of Parliament? Suppose that the people of Upper Canada were to say, "We will not agree to the proposed arrangement — we can't consent to part with our Legislature, which holds its sittings upon the faith of an Act of Parliament, and exchange it for a representation composed of three persons selected from one Legislative Council, and ten individuals named by the people — we will not run the risk of parting with our Legislature even for a time." Assuredly, when I see by the instructions contained in the despatch of the Noble Lord the Secretary for the Colonies, that the committee which it is proposed to appoint will be not only empowered to take into consideration matters involving the interests of both provinces, but that to the thirteen members furnished by the province of Upper Canada will be intrusted, conjointly with the other members, the power of regulating the domestic concerns and the future political institutions of the province of Lower Canada, I cannot refrain from entertaining strong doubts as to whether the suggestions which we might be disposed to offer would be acceptable to the inhabitants of the Lower province. If the Government desire it, they may press the arrangement; but they must take upon themselves all the responsibility, and I refuse to be a party to it. In this, therefore, as well as in other matters connected with the subject of this night's debate, I shall propose such amendments as may suggest themselves to my mind as just and desirable. Notwithstanding the observations of the Right Honourable Gentleman opposite (Mr. Ellice), I must persist in the expression of my opinion that the power which it is proposed to concede to Lord Durham, of appointing to the committee the six members of the Legislative Council, is a power which it is neither judicious nor proper to extend. If, however, the Honourable Gentleman can convince my reason that it is right to concede this power, I will not insist upon pressing my amendment with reference to this point. I have not the slightest disposition to propose any amendment tending to deprive Lord Durham of any powers which may be necessary for the proper discharge of his functions. But I shall steadily pursue that course of which my judgment approves in submitting to the House such amendments as may appear to me to be conformable to reason and justice, and that will prevent its being brought into a dangerous precedent in future cases, — that will prevent the establishment of a principle at variance with the constitution, or of giving any power to an individual not positively required. And, as they are reasonable or not, let the House reject or adopt them. I care not what may be the consequences. I shall submit them; and if my propositions are, as I believe them to be, conformable to justice, the House will adopt them, and it will then be for the Noble Lord to consider the course that he will pursue.

Mr. EDWARD ELLICE. — With the permission of the House, I will offer a few words in explanation. I did not propose any compromise; but I must say, after hearing the speech of the Right Honourable Baronet, that I cannot discover any difference, in principle, between his proposition and that of the Government. The Right Honourable Baronet proposes to give the utmost latitude to the power of the Governor, in such mode as he may think proper to adopt, to conciliate the feelings of the people. My Noble Friend below me (Lord John Russell) says, "We have a plan of our own which we think right to suggest, but that plan is not imperative on the House, and I am most willing to consider the Right Honourable Gentleman's amendments, or any other that may be submitted." But, as there is no difference of opinion as to the principle of this measure, I think that no misconstruction of meaning should interfere with and retard its progress. All are agreed that it is necessary to put an end to the revolt at the earliest possible period; the House is, also, unanimously of opinion, that it is impossible to govern the colony except on the principle of a representative government. We send out a Governor General to acquire a knowledge of the feelings and habits of the people, and to propose measures according to the circumstances. The question now at issue is, whether the Government shall stand by the full plan which they have submitted, — the responsibility resting, as it must, with the Government and their officers, of giving to the Governor to be appointed the power of obtaining information by the means set forth in the preamble of this Bill, or in such other manner as he may think fit. I admit that upon this point the views of all parties should be ascertained. I ask for no compromise; if we are to divide upon any question of principle, let us divide, and ascertain the sentiments of the House; but, according to my views, we are going to divide on a point which is not of the least importance.

LORD VISCOUNT SANDON. — I cannot think this question so unimportant as the Right Honourable Gentleman appears to consider it. Sir, I cannot understand upon what grounds her Majesty's Ministers can found a right to require the Parliament to adopt this particular mode out of the many by which the feelings and opinions of the people of Canada are to be ascertained. Sir, how will it be possible, some time hence, when Lord Durham shall have adopted this particular plan in a state of circumstances, perhaps, most inexpedient and most unfitted for it, — how could we venture to find fault with him, however disastrous might be the result? If Lord Durham's proceeding should fail, and this House were to call him to account, would not the Government say, "Why you, yourselves, pointed out this proceeding, — at least, you gave it your sanction before Lord Durham was intrusted with the Government"? Whoever may be the Noble Lord with whom the execution of this measure is to be entrusted, this matter ought to be left to his discretion; if any particular plan is prescribed to him, he may, when he arrives at Canada, find, above all others, that plan the most inexpedient. I think there is no reason why we should sanction this particular proceeding; the more especially, as it appears to me to be, perhaps, the very worst that could have been selected. I cannot understand the nature of the cumbrous and imperfect machinery by the aid of which Ministers propose to carry their intentions into effect — machinery involving the reconstruction of the elective franchise in Canada, and the establishment of new modes of return, as well as of the trial of the validity of those elections; and all this in a province which is just emerging from rebellion. It is quite unfair to call on the House, beforehand, to give its sanction to such a course of proceeding; and, thinking that it is most inexpedient to provide for circumstances of which we are not cognisant, I shall support the Right Honourable Baronet in his amendment when he moves it.

Mr. G. F. YOUNG. — I am of opinion that the practical speech of the Right Honourable Member for Coventry (Mr. Ellice) must have produced a very strong impression on the House. That Right Honourable Member has thrown out a suggestion upon which I trust and believe that the Noble Lord will act. But for this suggestion, and the corresponding alteration in the preamble in the measure which I anticipate as its result, I should have been involved in the necessity of voting, in vindication of my consistency, against the measure proposed by Government. There was one point in the Right Honourable Gentleman's (Mr. Ellice) speech with respect to which I will say a few words; that is, with respect to the Bill of 1831. I think that that Bill has been the foundation of all that has since taken place in Canada. The Government of that day committed a fatal error in refusing to redeem that pledge which they had given to the people of Canada. I know, on the authority of a most respectable party, — M. Vigier, — that those gentlemen who formed the deputation to this country did, in the person of that individual, pledge themselves that they would induce the House of Assembly to come to some arrangement, and that they had no doubt that, if the promise of the Government were kept, the House of Assembly would agree to vote the supplies, and provide for the civil government of Canada. I entirely differ from the views of the Honourable Member for Bridport (Mr. Warburton) with respect to the timber trade. Upon this point, however, I will detain the House with but one observation, which is, that I shall be ready to prove, at the proper time, that, so far as the interests of the people of England are concerned, nothing could be more fatal than an equalisation of the timber duties, which I know is the object that the Honourable Member for Bridport wishes to effect.

I have before stated that I entirely disapprove of the course which has been taken by the people of Lower Canada,—a course which has plunged that province in all the horrors of a civil war. I want words to express the strong feeling of indignation which I entertain against those persons in Canada, who have, for the furtherance of their own ambitious designs, brought about all those evils under which that country is now labouring. Nowhere, I believe, in the pages of history, is there recorded a single instance of a revolt having taken place with so little even of the shadow of a justification upon the part of the insurgents; and it is a source of the deepest regret to me that there are persons in this country, and even some Honourable Members of this House, who, sheltering themselves from that responsibility which would follow an actual participation in this rebellion, have aided and goaded on the Canadians in their attempts to subvert the constituted government, and have made themselves instrumental to the necessity of suspending the constitutional rights of the nation, and of abridging those liberties which we ought to protect,—and of passing measures which, but for an imperative and overwhelming necessity, this House would never entertain. I wish to remark, for a few moments, on that which has been put forth as one of the greatest grievances under which the Canadians labour,—that is, the constitution of the Legislative Council. I am not to be told, they have not in distinct terms demanded the introduction of the elective principle into that branch of the Legislature; because I know that in the last year they declared that, until they had a constitution conformable to the views of the House of Assembly, they would not grant the supplies, and that could be done only by making the Legislative Council elective. The House of Assembly dates its existence from the Act of 1791, which gives to Lower Canada the House of Assembly and the Legislative Council. It provides, also, that the Governor shall, on the part of the Crown, summon fifteen persons as an Executive Council; it directs that the House of Assembly shall be elective, the franchise to be 40*s*. in freeholds, 5*l*. in leaseholds, or 10*l*. in households. Thus a constitution something like our own was established, and the powers of the Legislature are distinctly defined and settled by that Act. It is not for me to allege that none but discreet persons have been members of the Council. I believe on that ground the Canadians have had good cause to complain—that has been a grievance. But what course has the House of Assembly taken to procure redress of that grievance? They have, by withholding the supplies, endeavoured to compel the Executive Government to do that which it was known was not in the power of the Executive Government to do. They have gone farther; they have suspended their own functions as a Legislature to obtain that object. I believe there never was a parallel to such a proceeding, unless it was in the instance of the Long Parliament in this country. I have heard it complained of, that the triennial Parliament, here, constituted itself septennial by its own vote; but what was that proceeding when compared with this? The Canadian House of Assembly seek the destruction of that one branch of the Legislature which is co-equal and co-existent with themselves. I wonder that this point has not been adverted to before. I did expect that Mr. Roebuck would, in his address, have attempted to show that the course of the Assembly was tenable. The learned gentleman, however, although he fully stated the objections and the abuses of which the Canadians complained, never once attempted to prove that it was competent for the House of Assembly to act as they have done in order to effect their object; he never once attempted to show that, by stopping the supplies and depriving the colony of the benefits of legislation, they adopted the constitutional mode of obtaining redress: he knew that he could not do so.

We have heard much of M. Papineau, and of the demagogues in Canada,—of the differences between the two Houses of the Legislature;—but we have heard very little of the rule and government with regard to Canada, and the policy of maintaining it. We have heard much of attacks on our system of colonial policy; but little to show the nature of colonial possessions, and their intimate connection with the power and wealth of the mother country. I still hope, however, that, before these debates are brought to a close, we shall have manifested some of that spirit which animated Lord Chatham, when, for the last time, he came down to the House of Lords and spoke upon the American question; he then said, "that he would never consent to a separation of the American colonies from the mother country, and he hoped he should never live to see a dismemberment of this monarchy." I embrace, to the letter, this opinion of Lord Chatham, and I hope, with him, that I shall not live to see a dismemberment of this monarchy. It has been said, that we ought to conform to the wishes of the majority, and consent to a separation from our North American colonies. But let us see how this argument holds. 450,000 persons in Lower Canada are assumed to be of French origin; 150,000, or, as some say, one-fourth, and others, one-third, are of British origin; but the Upper province contains 400,000 who are all of British origin; and in our other American provinces we have 500,000, who also are British. Thus, then, we have more than a million of British people, who are too sensible of the important benefits they derive from their connection with this country, to wish for a total separation from it, against 450,000 French — forming only a small minority instead of a large majority — of whom it is said, that they are desirous for independent government. Then we hear some Honourable Members talk of "emancipation." Why, by the word emancipation, it would seem to be implied that the colonies were labouring under some thraldom from which we ought to deliver them. I am not aware that any such state of thraldom exists. We do not hear, even in the colony which has revolted, the expression of a wish to separate. It is in this House that the dismemberment of this great empire is advocated. What would be the effect of "emancipating" Lower Canada? Would it not be to close the St. Lawrence against the Upper province, and thus shut her out from all communication with this country? Is that the emancipation that Honourable Gentlemen advocate? If it be, I can assure them that my view upon this matter is very different to theirs. On all occasions when colonial subjects are brought forward, we hear the repeated opinions of some Honourable Members opposite urging on separation; and we are told by some, of philosophic skill, that we cannot fail to derive greater advantages from our colonies after separation, than we reap while they are united to the mother country; and they show the existing state of our commerce with the United States as an example.

Now, I do not intend to undervalue our commerce with that country. We were told by the Honourable Member for Westminster (Mr. Leader) that our colonies, after emancipation, are an outlet for our manufactures, and employment for our shipping. Now, as an outlet for our manufactures, there can be no doubt that the United States offer great advantages to this country; but, comparing the amount of our exports to those colonies which are still dependent upon us, with those which are now independent of our government, we ought also to take into account the relative amount of population. I will not weary the House with details, but we hear that the population of the United States of America is 13,000,000; their imports from this country amount to 10,000,000*l.* annually. The population of the British colonies in North America is 1,500,000, and their consumption of British produce amounts to 2,000,000*l.* annually; thus, 13,000,000 of people in the United States, now separated from us, and acting independently, consume our produce and manufactures in the proportion of about 15*s.* for each person, while the British colonies consume nearly twice that amount, or 30*s.* per head, according to the population of that country. And, when we see that the population of Canada is now increasing, at a ratio greater than that of the United States, I ask, is it not more probable that our exports will increase, accordingly; and are we not to infer that, if they were to become an independent people, we should,— as in the case of the United States, — be losers in this respect by the separation? Then, Sir, with respect to the employment of our shipping, — I find that the American shipping employed between this country and the United States amounts to 230,000 tons annually; whereas the British ships employed in the same trade, amount only to 82,000 tons. But I find that the British shipping engaged in the trade between this country and her colonies amounts to no less than between 600,000 and 700,000 tons. Now, we see that our trade with the United States employs, taking American and British ships together, less than one half the amount of tonnage than is engaged between this country and her colonies.

Thus, Sir, I have shown that the facts are entirely subversive of the inference which has been drawn. Then, Sir, with respect to emigration, would it be politic, on our part, to throw up the possession and control of those countries which open to us so vast a field for the employment of our surplus population? But, Sir, without entering into the question of profit and loss, I hope the House will see the extreme injustice and iniquity which they would commit, were they to consent to withdraw the protection of this country from those persons who have been induced to settle in Canada, and who have employed their capital in that colony, only upon the faith of the continuance of British connection and protection. I think nothing less than a desire for separation, on the part of the whole population of Canada, could justify the Government in consenting to that course; and, as I have already stated, I believe that certainly the majority of the Canadians are too sensible of the great advantages which they derive from British connection, to desire that the protection of this country should be withdrawn from them, on the mere declaration of such shallow reasoners as those who, on their part, have demanded separation. There is one other subject connected with this general question, upon which I would trouble the House but with a very few words. A parallel has been attempted to be drawn, in the course of these discussions, between Canada, in what is termed her struggle for freedom, and the people of Ireland, whose alleged oppressions have been so frequently the theme of Honourable Gentlemen on the other side. Now, I hold in my hand a copy of a letter that was addressed, by a friend of mine, to the Catholic Bishop of Quebec, in consequence of a speech that was delivered by Mr. Roebuck, last year, in the course of which he stated that the Catholics of Canada were taxed for the support of the Protestant clergy, in the same manner as they were in Ireland. In that letter, my friend proposed to the Bishop three questions: — First, are the Catholics in Canada taxed for the support of the Protestant clergy? Secondly, has there been any attempt, on the part of the Government, or of the Protestant inhabitants of Lower Canada, to interfere with the Catholic people in religious matters? Thirdly, whether the Protestants of Lower Canada do not respect the Roman Catholics, and whether persons of both persuasions do not live together in the utmost concord? To which questions the Bishop of Quebec returned the following answers: — First, "I am not aware that the Catholics of Lower Canada are taxed for the support of any church but that to which they themselves belong." To the second question he declined to give an answer, on the ground that it involved a subject then under the consideration of the commissioners, who were, at that time, in Canada. And in reply to the third question, he says, "that the Roman Catholic and Protestant inhabitants live together, as in England, in the most perfect harmony and good feeling." And I believe that, in the late commotion, none evinced greater loyalty to the British throne than the Irish Roman Catholics settled in that province. Sir, I think the answers which I have quoted speak volumes. I will not longer detain the House; I sincerely thank them for extending to me so much of their attention; but I cannot sit down without expressing the deep sense of indignation which I felt at hearing a wish expressed, on the part of some Honourable Members of this House, that the rebels in Canada might be successful in their attempts to subvert the Queen's authority.

Mr. BAINES. — I beg the indulgence of the House whilst I offer a few observations to which I have paid considerable attention. Notwithstanding the reluctance I always feel to occupy the time of the House, I cannot satisfy myself on a subject like this, involving the interests of millions at home, and in our colonies, by giving a silent vote. I deem it due to the Government to say, that they have done themselves honour by declaring that they will govern Canada on no other principles than those of constitutional liberty. An important crisis has now arisen in the colonial history of this country. If that crisis be used wisely, the melancholy events which have recently occurred in Canada may be retrieved, whereas, if wisdom do not direct the councils and the legislation of this country, we may have again to pass through the scenes which took place between the years 1774 and 1782, in North America and in England, during the struggle for American independence. It appears, from the preamble of the Bill introduced into this House by my Noble Friend the Secretary of State for the Home Department, that the House is to be called on to declare that it is expedient that the province of Lower Canada should be permanently governed under the dominion of Great Britain. To that proposition I am not prepared to give my assent; and in order to arrive at a just conclusion on this point, it is proper to inquire what is the cost of governing Canada as a dependency of this country, and what the gain we derive from its possession? As to the cost, it appears from the financial statements laid before this House, that it amounts to the sum of from five to six hundred thousand a year; the Paymaster of her Majesty's forces said, to 600,000*l*. It also appears, from a speech made by my Right Honourable Friend the President of the Board of Trade, that the expense incurred by this country from receiving the inferior timber of Canada, over and above the cost that would attend the same supply of sound timber from the Baltic, amount to 1,400,000*l.* a-year, making a clear annual charge to Great Britain and Ireland, of 2,000,000*l.* a-year; which sum would be saved were Canada an independent state. The question then arises, what valuable consideration do we receive in exchange for this enormous annual cost? My Noble Friend the Secretary of State for the Home Department the other night said, that the retention of our colonies is the cause of the strength of our commercial marine. But I have always understood that the strength of our commercial marine is rather derived from the capital of our merchants, the skill and industry of our manufacturers, and the enterprise of our seamen; and in proof of this, I may note, that our commercial marine trading to the United States at present, when that country is an independent republic, is four or five times as large as it was when that country was a dependency of Great Britain.

But, in order to show that the strength of our commercial marine does not depend upon our Canadian possessions, I will quote the words of the Right Honourable the Paymaster of her Majesty's Forces, whose authority stands deservedly high, and will have due weight on the Treasury bench. That Right Honourable Gentleman said, "With respect to Canada (including our other possessions on the continent of North America), no case can be made out to show that we should not have every commercial advantage we are supposed now to have, if it were made an independent state. Neither our manufactures, our foreign commerce, nor our shipping would be injured by such a measure. On the other hand, what has the nation lost by Canada? Fifty or sixty millions have already been expended; the annual charge on the British Treasury is full 600,000*l.*; and we learn from the Second Report of the Committee of Finance, that a plan of fortifying Canada has been for two or three years in progress, which is to cost 3,000,000*l.*" From this statement it appears, and no higher authority can be found, that Great Britain would enjoy all the advantages that she at present possesses if Canada were an independent state, not only with regard to her merchandise, but also to her trade and her shipping; and that, having already spent 50,000,000*l.* in raising that country to trength and importance, she would, if e Canadians were left to govern themselves, be saved a future expense of 2,000,000*l.* a-year. There is, however, one advantage derived from the possession of Canada which has not been stated, and that is, a great extent of official patronage. Were Canada exalted to the rank of a free state, we should have many fewer governorships and secretaryships to bestow than at present, and many fewer appointments in the army, the navy, and the civil departments. But no such consideration will influence her Majesty's present Government, and the people of Great Britain have too little regard for official patronage to purchase it at so exorbitant a price as two millions sterling a-year. But it was alleged by the Right Honourable Baronet the Member for Tamworth, the other night, that if independence be conceded by this country to Canada, our other colonies may set up the same claim, and that even the Isle of Wight may insist upon an independent government. As to our other colonies setting up a claim to independence, it may or it may not be advisable to concede such a claim, according to the circumstances of the case; but as to the Isle of Wight being induced by the example of Canada to insist upon an independent government, the idea is preposterous; though, if the Isle of Wight were at a distance of 3000 miles from England, instead of one hour's sail — if that island contained 200,000 inhabitants instead of 2000, and if it had, like Canada, enjoyed a Legislative Assembly for seven and forty years, there might have been some fitness in the comparison.

It has been further insisted, both in this House and out of it, that it is the bounden duty of Great Britain to retain its sway over Canada, because a vast number of its own subjects have settled in that country; and if British influence and protection were withdrawn, these settlers would be subjected to all sorts of violence and injustice. The Gentlemen who made this assertion accompanied it with others, which served to show how unfounded was their apprehension of danger. They said that, in the two provinces of Upper and Lower Canada, there are 1,000,000 inhabitants: that, in Upper Canada, there are 400,000, nearly all English and Irish; and that, in Lower Canada, there are 600,000, of whom 170,000 are English, and 430,000 French Canadians. The property of the country, they said also, is principally British, or belonging to British settlers; and as to intelligence, the preponderance is decidedly on the side of the British. If this be the case, and I am not disposed to deny it, is it to be supposed that the French Canadians, though enjoying some advantages in point of local settlement, but inferior as they are in numerical strength, in property, in intelligence, and in influence, would, if they had the disposition, be able to tyrannise and oppress their British neighbours? It is also alleged, that to submit to the severance of Canada from Great Britain will be to deprive the crown of England of one of its brightest jewels. But this figurative expression is calculated rather to impose upon the imagination than to convince the judgment; and so far from the crown of England being tarnished by the voluntary surrender of Canada, when the time comes which the people of that country, generally, think that they ought to be free, and feel that they are not so, — the example of emancipating the colony will be highly appreciated in other times, and by other countries, and will give to England a perpetual claim to the gratitude of the government and people of Canada.

It is, on these grounds, necessary and proper, when Lord Durham arrives in Canada as Governor General of that province, and when he assembles round him the representatives of the provinces,—men best acquainted with their interests and their opinions,—that he should inquire of them what are their wishes as to the establishment of an independent government, either as to Canada separately, or as to our other settlements in North America, on the plan of federation, so ably recommended by the Honourable Gentleman the Member for Bridport. In my opinion, a power to make this inquiry should be given to the Noble Earl, in his instructions from the Colonial Office. Such a power, accompanied with the attribute of general amnesty, already promised, would do more to tranquillise Canada than any coercive clauses introduced into the present Bill; indeed, it would supersede, to a considerable degree, the necessity for such clauses; and it would be strikingly accordant with that love of liberty to which the Noble Pacificator, who would then be hailed as a public benefactor, is so strongly attached. The Right Honourable Baronet the Member for Tamworth said, last night, that he omitted altogether from his consideration the person appointed by the Crown to undertake this mission; but the people of England and the people of Canada will not omit that particular from their consideration. They will attach great importance to that choice; and they will rest assured that it is, so far as the Noble Earl is concerned, a guarantee against the undue exercise of those absolute powers with which he is to be armed. This night, the Right Honourable Baronet (Sir Robert Peel) has intimated an intention to move an amendment in the preamble of the Bill, for the purpose of withdrawing the instructions to Lord Durham from that preamble; but while those instructions have been given from the Colonial Office, with a power to act upon them or not, as the Noble Earl may think fit, it matters little whether they are contained in the preamble of the Bill, or not; and the proposed alteration will be viewed by the House as a distinction without a difference. There may, however, be some danger from the plausibility of the proposed amendment, that it will attract certain votes from this (the Ministerial) side of the House; but when it is considered that the practical effect of Ministers being outvoted by the other side of the House, would involve the danger of the Canadian Coercion Bill being carried into operation by a Tory Administration, I feel persuaded that no persons, foreseeing these consequences, and being strongly attached to liberal principles, will be betrayed into a vote calculated to produce consequences so disastrous.

Mr. SLANEY. — On the present occasion I differ, in some respects, from most of those Honourable Members with whom I am in the habit of acting. Sir, I have looked into all the bearings of this question. My only wish is, that this country should act justly towards Canada; and I cannot help thinking that, if the House would look at the former, not, perhaps, at the latter part of the conduct of the House of Assembly, and the manner in which that body has been treated by this country, they would find much, if not to excuse, at least to palliate what has occurred. In the year 1791, you gave the Canadians a constitution after the model of your own; and from that time, up to the year 1831, they have followed, as closely as possible, the example set them by this country, in endeavouring, by every means in their power, to improve their condition, and to gain additions to those privileges which the constitution of 1791 conferred upon them. Some of their claims, undoubtedly, have been unreasonable, and such as could not, with any regard to consistency, be granted. But what has been the course which this country has taken with regard to those demands? Instead of satisfying the Canadian people by giving them that which we ought to have conceded, we have put them off from time to time, giving no answer to their repeated applications, and thus have exposed them to the temptation of listening to bad advisers; and I must say they were most unfortunate in their choice of advisers in this country; for, instead of attending to the counsels of those who would have advised them for their good, they threw themselves into the arms of those who used their influence to aggravate rather than to allay the evils under which the Canadians laboured. Then, Sir, when I see that they have been deceived and misled by those in whom they placed dependence, — when I consider the various circumstances by which they have been goaded on to take that rash step which none more than myself can deplore,— I do feel that large allowances ought to be made; and that, in putting down the revolt now raging in Canada, we ought to do so with as great a degree of lenity as, under the circumstances, it may be possible to extend towards those unhappy and misguided persons who have taken part in it.

The results of this unhappy insurrection are, in every respect, deeply to be deplored; and it is especially galling to the feelings of Englishmen, and of all persons of humanity, to learn that, after all resistance had ceased, a church was burnt, and several private dwellings destroyed. Sir, I cannot suppose that such atrocities could not have been avoided; and I do implore the Government to send out special orders to those who have the command of her Majesty's troops in the province, to prevent a recurrence of such unnecessary violence. I rose, principally, to say how fully I concur in what has fallen from the Right Honourable Member for Coventry (Mr. E. Ellice), and to express my earnest hope that the Noble Lord will adopt his suggestion; — for it appears to me to be of the very utmost consequence than an unanimous opinion should be shown on the part of the House of Commons. With respect to that part of the preamble of the Bill which is included in the Right Honourable Baronet's amendment, although I concur in every word it contains, I am not of opinion that it is necessary to retain it in the Bill. But, as regards the material features of this Bill, (the words in the 11th line which the Right Honourable Baronet proposes should be left out, but to the constitutional principle contained in which he afterwards pledged himself in his speech), I trust they will be retained in the Bill, because they do appear to me to afford to the people of Canada an assurance that, whatever alterations it may be thought expedient to introduce, it is still the determination of this country to govern them on constitutional principles. Urging upon the Noble Lord the propriety of acquiescing in the suggestion of the Right Honourable Member for Coventry, I beg to assure him of my humble support in carrying through this measure, the necessity for which, notwithstanding its coercive character, has, I think, been most amply proved; but, at the same time, I am bound to say, that had I been a Member of the last Parliament, I could not have asquiesced in the resolutions which were then passed.

Mr. HUTTON. — As a new Member, and an Irish Member, I hope I may be permitted to trespass on the attention of the House for a very few moments. I am the more anxious to do so, because I wish it to be known that the grievances of Canada are felt by the people of Ireland, although the grievances of which the Canadians have complained are not equal to those which Ireland suffered for a long series of years; above all, I, for one, cannot admit that the grievances of the Canadians were of such a nature that they could not hope to obtain redress by those constitutional means which were open to them in common with all parts of the empire. It cannot be denied that this country has shown sympathy for the Canadians. This has been shown by the consideration that has been given to their various demands; and no justification whatever has, in my opinion, been made out for the appeal to arms which has been made by them. I am not prepared to say, that the time may not come when the Canadians may achieve for themselves national independence; but, looking to the acts which they have recently committed, and especially to the character of the leaders they have chosen, I am far from thinking that period has yet arrived. M. Papineau is not the man, with forbearance sufficient, or constitutional knowledge, either, to extricate them from their present difficulties or work for them national independence. They have no leaders like Washington, or Jefferson, or the others of the patriot leaders, in the struggle of the United States for independence; there is not a sufficient number of such characters at this time in Canada to make them fit for self-government. There is great danger, perhaps as much danger, in granting independence too soon as in retarding it too late; and, looking at the example of the South American States, where anarchy and despotism followed their declarations of independence, I cannot regard the efforts of the Canadians without apprehension.

I entirely approve of the choice which her Majesty's Ministers have made in the Governor General, with whom the execution of the provisions of this Bill is to be entrusted. I have no doubt that the result will be the establishment of a good, a reasonable, and a beneficial constitution for Canada. I know it has been said, that it mattered not what might be the character of the Governor General. I am not of that opinion. I, for one, would not consent to entrust such powers as are contained in this Bill to a man of an opposite character to the Noble Earl who has been selected. I hope that the suggestions which have been thrown out by the Right Honourable Member for Coventry (Mr. Ellice) will have the weight with the Noble Lord to which they are entitled, and that the trifling differences that now exist between the two sides of the House on this question will be arranged.

Mr. C. BULLER. — I am not going to trespass on the attention of the House, nor to enter into a subject, fully, on which many other Members have already spoken. I am perfectly ready to admit the validity of the objection taken by the Right Honourable Baronet, to the mixing up the question of prerogative with the preamble of the Bill; and I hope the House will do me the justice to believe that it is with extreme reluctance that I have given my assent to the Bill under consideration. In considering the present matter, I believe that it is not for the House to inquire into by-gone transactions, or by whose neglect it happens that those measures have been omitted to be taken which the necessities of the case required; but our business is, in a wise and honest manner, to take the best means, now, of relieving the colony from its present position. Feeling this, I have given my support to the measure. It is considered by some, that all that is harsh towards the people is to be sanctioned in the Act before the House; but my firm belief is, that such is not the fact, but that its ultimate object is to establish a good government for the colony, on the best and soundest basis. It is therefore that I hail the passage in the preamble in the Bill, which is to be made the subject of the amendment, with the sincerest satisfaction. The Government, in the present case, has taken a most wise course in laying on the table the instructions which were given to Lord Durham, and by that means have detailed the plan at length which they intend to adopt, in order that the Governor — and I hope I may speak of him as the future pacificator in Canada — may receive full instructions, and that a better course, if possible, may be taken. Considering these circumstances, I would ask why the Noble Lord (Lord J. Russell) did such injustice to his plan as to allow the question to be tried on the preamble of the Bill? Why did he allow the all-important question of whether the people should be governed by a representative system or not to be discussed in a manner in which he would not only have those opposed to his plan, but those also who were opposed to him in form, arrayed against him? If the Right Honourable Baronet objects to the convention to settle the constitution, with that sort of hatred which he seems to have to all other free systems of government ——

Several HONOURABLE MEMBERS. — No, no!

Mr. C. BULLER. — Why did he not bring the case forward in a plain manner, by objecting to the instructions given to Lord Durham? At any rate, those Members who support the measure ought not to allow it to be tried on the preamble. I mention this because I feel that the party on the other side of the House is known to be always happy to catch any votes it can under any circumstances; and by denouncing some Honourable Members in the strongest terms, and calling them traitors, it is glad to secure votes which, otherwise, it would never have obtained. The question, however, should be decided calmly and deliberately, whether the system proposed is one which should be adopted or not? And I wish the Right Honourable Baronet had considered, whether it would not have been more just to the House, and to the Government, if he had not opposed the clause in the preamble, but had allowed the discussion to take place on the instructions which had been laid on the table? I do not wish the Noble Lord (Lord J. Russell) to answer the suggestion I have made, unless it be perfectly convenient to him. I have thrown out the observations which have occurred to my mind, but at the same time I know they cannot be answered without deliberation; but I hope that the Noble Lord will not think it necessary to adhere to the course which he has proposed to adopt. The necessity for the words in the Bill will be obviated by the subsequent acts of the Government, and will surely have the effect of destroying the efficacy of the best part of the plan proposed by Government.

LORD JOHN RUSSELL. — Perhaps the House will allow me to say a few words. The Honourable Member who has just spoken is quite correct in supposing that, after the powerful appeal of the Right Honourable Member for Coventry, I do not think myself justified, without deliberation and without consultation, to declare the exact course which I shall pursue. I certainly did not state that I should consider it absolutely essential that the words should remain in the preamble of the Bill; but I did say that, as they had been placed there, it would not be satisfactory that they should be removed from it without the opinion of the House being pronounced, in some intelligible manner, in respect of that important part of the policy of Government. In regard to the particular course I mean to pursue with respect to the preamble of the Act, I beg to say, that at the meeting of this House to-morrow, after consulting my Colleagues, I will state exactly my views upon the subject.

Mr. VILLIERS. — I conclude, from what the Noble Lord has said, that there will be no division to-night, and as the Honourable Gentleman who has preceded the Noble Lord has recommended to the House to discuss the question upon its merits, I will ask the indulgence of the House for a few moments, to make a few observations upon the question; and I feel that this is more particularly necessary, from the fact that I do not share in the opinions of either of the two great parties in the state; and I am sorry to observe that if any Member ventures upon this course, he has little chance of being tolerated in this House. I assure the House, however, that I do not rise to vituperate any party, neither her Majesty's Ministers nor their predecessors; that I have no charge of high crimes and misdemeanours to bring against them; that my simple charge against them is, that they regulate the policy of this country towards the colonies as it appears a very large proportion of the country desires to regulate its policy. What I mean is, that there are distinct principles on which a colonial connection may be maintained with the mother country, and that the majority of persons who have influence and authority in this country maintain that principle which the Government of this country have acted upon, and which is, that the government of a people in a distant territory are a source of power and wealth to this country, and that it is advisable to make great sacrifices and incur great expense in order to uphold what is now termed the integrity of the empire. I do not assert that this principle is fallacious; but it is my most thorough conviction that it is so; at the same time I will not shrink from the truth in admitting that I am in a very small minority, and that the principle is sound which considers that colonies are chiefly useful as creating countries of people who, having the same language, the same wants, and tastes as ourselves, afford a ready asylum for our emigrants, and a good market for our products; and that in proportion as such a colony is free and contented, so will it be prosperous, and so will it better fulfil the purposes for which it is worth maintaining a connection. This doctrine is only maintained by what the Honourable Member for Lincoln speaks of with so much contempt as a knot or clique of persons who assume the right to judge for themselves; but it does not follow that it is wrong on that account; but the other principle being that which is maintained to be sound by a great majority of people out of the House, and especially by the supporters of the Government in this House, I cannot blame the policy of the Government; they have only acted in accordance with the wishes of the constituencies of those Members, and I only hope that if that policy either leads to war or to great expense, or to any other calamity, those who are the eager and earnest supporters of such policy will not turn round upon the Government, and, indeed, upon the constitution itself, and allege as a ground of distrust and complaint of both, that great debts have been incurred, and that burdens of all kinds are inflicted upon the country.

The two principles of Government I regard as distinct; and those who advocate the one or the other are responsible for the consequences of each. If the colonies are, as people contend, like the jewels of the crown, and worth fighting for to acquire, and fighting for to maintain, let the proper sacrifices be made for the purpose; but do not let people complain afterwards. I think that the Government has, in accordance with all that has been said in this House by their supporters and by their opponents, acted upon the principle of resisting the emancipation of the colonies, and I am at a loss to understand what is the meaning of that outcry which some persons make against the Colonial Office, and against the Noble Lord at the head of it, for having acted in conformity with their own principles; for when the Government refuses to the colony the right to govern itself, what is it but carrying out the policy which they maintain themselves, that the separation of the colony ought, by all means, to be prevented, and that anything which tends to that separation is of necessity equally to be deprecated?

Now, of course, whatever gives power to the colonists enables them, if they are so inclined, the more readily to separate from the mother country; and therefore, when the colony now in question demands an extension of political power, it is only in accordance with the wishes of the present supporters of the Government that she should be refused; and therefore, if we were involved in war in consequence of such refusal, let it be remembered that we could not complain. Let every one, according to his own judgment, advocate the principle which he thinks is the best, but do not let people pretend to uphold either without being prepared for the consequences which belong to each. I know there is a sort of bastard policy, which is now advocated by some Gentlemen in the House, and which, perhaps, has been acted upon in some degree by this country, which is, that colonies must eventually separate themselves from the mother country, but that they are not fit for it yet. Now this I am unable to understand. It seems to spring partly out of our experience of the absurdity of governing colonies against their will, and partly out of our old wish to govern them upon that principle. If colonies are advantageous as colonies, why the mother country ought to fight as well to retain them as to acquire them; but if they are a source of loss rather than gain, and that we must eventually lose them, why should this country continue to suffer this loss until the moment when they may just be a source of profit, and then let them be taken by another state, or become independent? That is inconsistent, and I think the country ought to determine in a bold and intelligible way, at once, upon what footing they will retain their colonial connection with any people — whether as a portion of the empire, which is bound to be subject under all circumstances to the dominion of the Government at home, or allow them to govern themselves, and retain only a commercial connection on the principles of amity and mutual advantage.

This is really the question which we have to decide now, though I am aware that it has been narrowed into a sort of question between the Colonial Office and the House of Assembly. I can, however, see nothing in it but a struggle between the mother country and the colony with respect to these two principles, the colonists claiming the right of the fulfilment of promises made by this country of self-government, and the Government at home resisting that claim, on the ground that what the colony claims may lead eventually to separation; that seems to me the real history of this question. The Colonial Office fears eventual separation, and the colony is impatient of a control which is opposed to their wishes, their wants, and their feelings. The question, however, turning much upon this dispute and the respective allegations made by each party, I have listened attentively to the statements on each side, have examined carefully all the documents bearing on the subject, and I do not hesitate to say that, with no prepossession either way, I have been utterly unable to discover in what way the House of Assembly has been in fault. I see nothing but one consistent course in all that it has done—I see in their demands nothing but what a free, intelligent, and spirited people will require — I think they have only sought what the people of this country have obtained for themselves, and what every free people have sought and demanded as essential to their security; and I respect them for the consistency and for the firmness with which they persevere in what they seek, and I consider that it is the mother country that is unreasonable and inconsistent, for she has just conceded enough to justify further demands, and, in refusing what is asked, is denying the remedy for the wrongs that she admits.

I have looked at the Report of 1828, that has been so much talked of, and I there find that the colonists have ranged their complaints, apparently, under two heads, namely, those practical wrongs which they endure under the system in which the government has been administered in the colony, and the cause to which they ascribe that mal-administration. Their particular grievances are specified, but they are evidently attributable chiefly to the Legislative Council. Now, I do not deny that many of the practical grievances have been remedied, but the cause of all the evil in such an authority as the Legislative Council is left — it is still unreformed; and it is the declaration, made last year by this House, that they shall not have any redress, that induces the people to resort to extreme measures. I can see nothing unreasonable, then, in the conduct of the House of Assembly; they have claimed only what has been admitted to be just by this country; a committee of this House has reported that the subject which has engaged their attention the most, was the Legislative Council; they set forth that it neither has, nor deserves to have, the esteem or the confidence of the colony; and subsequent governments and authorites of all kinds, have declared that the means do not exist in the colony for an arbitrary selection of persons, who, from their station and property, can inspire any confidence by their appointment. The House of Assembly then declare that the only means of making the Legislative Council harmonise with the interests of the colony, is by making it responsible, —a principle which they know that this country is recommending in all its municipalities; and they only seek that popular vigilant control, which the Government of this country recommends in every community where the people are allowed to have the management of their own affairs. The colony considers that this principle has been conceded to them; for there is, in the first place, the constitution of 1791, which introduced the representative system, and they subsequently had all the revenues of the colony placed at their disposal. What, then, can be more inconsistent than this country, after such a concession, insisting upon the maintenance of an authority utterly at variance with powers and privileges thus conferred; and what is the reason alleged by the commissioner, for not recommending that the Canadians shall have an elective council? Why, that in the present state of parties, and with the difference of race and religion, they cannot have an elective Council without giving a triumph to one party. Why, what is that but the argument against giving Ireland good municipal government? Is it not said that we should give a triumph to the Catholic party over the Protestant? And what is the answer so justly offered? Why, that it is by recognising these distinctions by law that they are perpetuated; and that it is by making the law equal, and not in recognising such difference, that it is found that they merge in the common interests, and that one race and one religion instantly trust and live in communion with the other. And again, if that triumph results from the majority of the population having power, it is surely more just than that the minority should triumph over the majority. Why is this doctrine not equally applicable to the Canadians? I, indeed, cannot see what was left for the House of Assembly — then in direct conflict with the Legislative Council — declared by the mother country to be unworthy of the confidence or esteem of the colony — but to resort to constitutional means to compel the reform of that council; and is there no excuse for a people, when they confine themselves, up to the last moment, within the limits of their charter, in resorting to violence, when that charter is violated by the mother country, which was done by the threat to take their money without their consent, and thus nullifying the only security they have for the redress of grievances? I am not going to deny the criminality of persons who appear in open rebellion to the law; but I am not prepared to vindicate the law without reference to the circumstances under which the offence is committed. I have heard the excuse which was offered for these poor people in thus fighting for their charter, by the Noble Lord the Member for North Lancashire, and I was pleased to hear it. The Noble Lord said, truly, that these people naturally looked to the language and conduct of the people in the mother country, and that when they read and heard of the speeches delivered and sentiments uttered by the Liberal party of this country, they had good reason to expect sympathy from them; and no doubt such language must have considerable influence upon them; but the Noble Lord should have carried it farther: he should have referred to the conduct not only of the Liberal party, but of that party which professes to be conservative of all the institutions of the country. He should have imagined a rebellious Canadian, contemplating an Orange lodge, such as those lodges were disclosed to be before this House; he should have seen what the best blood of this country was capable of when they were resisted in their purpose; he should have seen how far they regarded the law or the constitution; he might have seen of what also that party was capable to gain popularity in sanctioning revolt in the foreign relations of this country. Who was it that recognised the French revolution? Was it not the great Conservative leader? Did he not, as soon as the workmen of Paris defeated the Royal Guard, and placed what they called a citizen king on the throne, did not that Noble Duke direct his minister at Paris, as the representative of England, to wait upon the citizen King, in defiance of all treaties and all alliances. Is it not well known, that not a single European power dared to recognise that King until England had done so? And why? Because it is said the French Minister had, by his resolutions, violated the first principles of the charter, and that the people had a right to resist, and that the revolution was just. Why, then, should these poor Canadians not think that what was just with regard to the people of Paris might be considered just also on their part? I hope these things will in justice be considered, and that Honourable Members, who talk in such a lofty tone of indignation at the very idea of rebellion, will remember the influence of such examples, and of their own language upon the conduct of the Canadians, and how much more likely they are to be influenced by such circumstances, than any language used by the Honourable Member for Kilkenny, or the Honourable Member for Westminster; and when I urge these things, it is with the hope of bringing Members to a proper frame of mind for considering this subject, and that we shall not be brought to legislate as if we had rather a great offence to punish, than to provide for the future wellbeing of a people who cared for and were worthy of liberty. I make these remarks in consequence of observations made in the course of debate, and of a tone and spirit which I have observed pervade the speeches of Honourable Gentlemen who are opposed to the Canadians. But the great object which the people of this country ought now to determine is, on what principle they will govern the colony — whether it will be by force, or whether with the will and concurrence of the people. Everything now turns upon this. If we think it is wise to subject the people to the dominion of the mother country, and make them submit to a Government against their consent, let us prepare for the consequences — let us send a force adequate to that purpose; but if we intend to allow these people to govern themselves, do not let us be cavilling with them about the means. It is impossible to do both; so it becomes this House to decide at once; for if we persevere in retaining a power in the colony that opposes the wishes of the great majority of the people, we can expect nothing but discontent, and hostility to this country. I must contend that, against their fitness to govern themselves, not one thing has been proved; nor has it been shown that the majority of the people, judged of by the acts of the Assembly, have in any way shown hatred or malice, or any intention of injuring the British part of the population; they have treated the emigrants from this country with care and kindness, and they have passed no laws or regulations adverse to the security either of life or property of that class of the colonists. They have, in my opinion, neither acted ignorantly, capriciously, nor mischievously in the exercise of their authority; I therefore think them in every way fitted for self-government; and as I believe that the more they are left to manage their own affairs the more prosperous they will be, the more I feel disposed to grant them that power and control over their affairs, to prevent which this country is now engaging in civil war with them, and which, if granted, I believe they will be satisfied with, without desiring independence or separation.

Mr. GILLON. — The Right Honourable Baronet opposite has said, that he considers this to be one of the most important Bills that he has ever been called upon to vote for. It is because I think so too, and because I conceive that the Canadian people have had too many just and irritating causes of complaint, that I call upon Honourable Gentlemen maturely to pause before they in any way support it. I see so much of evil to be augured from this measure, — I look into so gloomy a perspective of increasing dissatisfaction in the breasts of the colonists, of slumbering hatred, which will at some (no distant) time again manifest itself in open revolt, — and, above all, I observe so gross a violation of the character for justice which this country ought to maintain, that I feel bound to express my strong opinion against the principle of the Bill. As has been eloquently stated by a Noble and Learned Lord in another place, the sacrifice of this, or of all our colonies, is a slight consideration when compared with the national character for justice, — those great principles of eternal justice which have been so often alluded to, but which, I fear, we are now about to depart from by our acts. It is monstrous to concede to our colonies a privilege one year, and deprive them of it the moment they seek to exercise it. The conduct of a few ill-advised individuals in no way alters the question. It has been charged against myself, the Honourable Member for Westminster, the Honourable Member for Kilkenny, and the Honourable Baronet the Member for Leeds, that we have manifested in our speeches some disposition to palliate the crime of the Canadians; but I must say that if ever, in the history of revolutions, an extenuation could be offered for such a course, it is in the case of the Canadians. The Canadians have been treated as slaves; and by us have they been thus treated — by Englishmen. We have been wounding them, for a long time past, in those points upon which they are most sensitive and most jealous. I say, they have been insulted in the persons of their freely-chosen representatives. A threat has been made to rob their exchequer, — an intention which, by the way, having had the rashness to announce, the Government does not seem to have the firmness to carry into effect. If tyranny and coercion are to be the order of the day, it will be necessary to make that tyranny effectual. If the liberties of a whole people are to be trodden under foot, it will be kind to provide that the discontent of the Canadians shall be confined to those curses, "not loud but deep," which an insult such as this must engender, and that resistance shall be rendered hopeless. Notwithstanding what fell from the Honourable Baronet the Under Secretary for the Colonies, I take the liberty to assert that no two events in the history of nations ever so much resembled each other as the conduct pursued towards Canada and the commencement of the unfortunate struggle with the North American states. The analogy is strict. The proximate cause of resistance has been the same — in the one case the levying of taxes, in the other the appropriating of revenues without the consent of the colonies; open, undisguised robbery in both; the same contempt in both instances for the rights of the colonists: the same arrogance in the assertion of the supremacy of the mother country; the same misconception of the feelings of the people; the same ignorance of the deep discontent which tyranny never fails to engender.

A flippant allusion was made the other night by the Honourable Baronet the Under Secretary for the Colonies to what had fallen from my Honourable Friend the Member for Kilkenny, who instituted a comparison between the events of the present day and the commencement of the North American struggle. That Honourable Baronet said, that the events resembled each other no more than the speeches of the Honourable Member for Kilkenny did those of Lord Chatham, to which the Honourable Gentleman had just before alluded. I must express my astonishment that the Honourable Baronet should permit himself to employ so poor a substitute for proof and argument, or that the character of my Honourable Friend, which, for efficiency in the promotion of reform, in the enforcement of economy, and the advancement of public liberty, stands second to none in the estimation of the country, and most deservedly so, should not have protected him from so paltry an attack. My Honourable Friend can afford to despise it. I will venture to prophesy that this mode of coercing the Canadians must in the very nature of things signally fail. That we may, for the present, put them down by brute force, I am ready to admit; but that we shall ever attach them to this country by a plan, the first step of which is to violate their constitution and trample over the semblance of liberty, I utterly disbelieve. I will say more; they cannot be possessed of the just feelings of freemen if they do not, after such proceedings, cherish a lasting detestation of British rule, and a deep-seated aversion to British tyranny. It is the Colonial Office by their line of policy, and not my Honourable Friend by his declarations, who have been the promoters of insurrection and the promoters of rebellion. "Willing to strike, and yet afraid to wound," — defiance in their mouths, inefficiency in their acts, — could the ingenuity of man suggest a course more likely to produce the calamitous events that have occured? I ask whether an addition is about to be made to our already overgrown standing army? It is fitting that the people of this country should know how much they are to pay for the pleasure of coercing the Canadians. It will be my duty to oppose all supplies for an augmentation of our military force, because I am certain we have soldiers enough, unless we mean to follow a course hostile to the feelings of the people of the colony. Nay, I will ask, in the present Session, for a reduction of taxation. I am convinced that misrule in the colonies will go on just as long as, and no longer than, the people here are weak enough to supply the means of enforcing it.

The Honourable and Literary, but not Philosophical, Member for Lincoln, thought proper to read a lesson to the Radicals the other night, on their line of conduct, and deemed it expedient so far to leave the subject in debate, as to allude to the division that took place on the first day of the Session, and which related to almost anything else except the matter we are now met exclusively to discuss. That Honourable Member did, on that occasion, read a recantation of all those opinions which, previously, he so eloquently maintained; and I must congratulate the advocates of arbitrary power on the powerful ally they have recently obtained. The Honourable Gentleman denounced, too, the speech of Mr. Roebuck at the bar, as a lame and impotent conclusion, after so great a flourish of trumpets, as he was pleased to say preceded it. If the Honourable Gentleman had, instead of denouncing Mr. Roebuck's speech as lame and impotent, proceeded to answer it, it would have been more to the purpose; but this he has wisely abstained from; in fact, that able and eloquent speech has not been answered by any one. The Under Secretary for the Colonies found it convenient to overlook the arguments contained in it, and to allude only to the charges made by Mr. Roebuck against the military under the command of Colonel Wetherall — charges which the Honourable Under Secretary said he could prove to be unfounded. I have not yet heard from any Honourable Member of what the Assembly has been guilty, that they should be deprived of their privileges. They have kept guardedly and strictly within the letter of the constitution granted to them by this country; and if that constitution is to be altered every time it suits our caprice, what confidence can the colonists have in British faith or British honour? Were the management of these delicate interests to be confided to the same hands in which they have hitherto been so signally mismanaged, I confess I should have the most gloomy forebodings as to the result. From the appointment of the distinguished Nobleman who is about to proceed as Governor to Canada, I derive a gleam of hope; it is but a faint one, for the task we are about to impose on that Noble individual, I fear, is a superhuman one, namely, to bring men to relations of cordiality and friendship through the road of insult and oppression. We are about to ask the opinion of the Canadian people, through delegates to be chosen, as to the form of government which may suit them best. What decision have they to expect but that which the result of repeated elections sufficiently shadowed forth? If Lord Durham be allowed to grant, if he shall deem it indispensable, an elective Legislative Council to the Canadians, there will be no need of suspending their present constitution — the Canadians will recognise in that power, confided to hands so able, the full desire of rendering them justice; but if they limit that power according to the tenour of the resolutions of last year, that under no circumstances it shall be expedient to make the Council thus elective, and if, at the same time, we show the despotic *animus* by trampling on all the outward and visible signs of freedom, we may, for a time, coerce, but we never can conciliate; and the history of the present times will be doomed to read another signal lesson of the impossibility of ruling, by any political trickery or device, in defiance of the wishes of a people.

Mr. REDINGTON. — Allusion has been made to the analogy which has been asserted to exist between the cases of Ireland and Canada. It is as an Irish Member, who is about to give a vote on this occasion, much agains this own feelings, and against those principles upon which he is accustomed to act, that I rise to say a few words against this asserted analogy. Ireland, during a very long period of time, laboured under a series of positive grievances, greater than it is perhaps possible for gentlemen who have not carefully studied the history of those wrongs to conceive. Her people were forbidden, during some centuries, the use of their own language in their public acts; they were invidiously distinguished from their fellow-subjects by civil and political distinctions, revolting to a high-spirited and sensitive people; and if, after ages of incessant struggles, not unfrequently terminating in large sacrifices of human life, a brighter period has at length dawned upon them, and they have been received into a fair and generous community with their fellow-subjects in the benefits of the free institutions of the united empire, it has been only through a long and bitter probation that they have entered upon it. To the same community of rights, the same participation of equal institutions, the inhabitants of Canada were admitted at once, as it were, upon the annexation of their territory to the dominions of the British Crown. Not a single drop of blood was shed in vindicating or resisting their pretensions to those rights and privileges. The Canadians suffered under none of those invidious disabilities to which I have alluded; and though they may have had just ground to complain of the occasional misconduct of their governors, or the principles upon which British authority was administered in the colony, they never endured any grievances which could, for a single moment, justify the attempt to draw an analogy between their case and that of Ireland. I must own that I can see nothing in common between the two cases, except in the fact, that in both of them there has been a rebellion. I see nothing to justify the rebellion which has broken out in Canada, and nothing to substantiate the case which has been alleged on their behalf against the Government of this country. I cannot deny that men who commit themselves to such a course as has been resorted to on this occasion, very much deserve the fate they are provoking. I see, with much pain, that the leaders are endeavouring to enlist confederates and followers by promising rewards out of confiscated estates, thus arraying the misguided rebels against the property of the two provinces. I cannot forbear from protesting against the language which we have heard in the course of these discussions from the Honourable Members for Westminster, Kilkenny, and Leeds, as being, at once, calculated to excite astonishment and regret: neither can I imagine how those Honourable Members can reconcile it to their feelings to have hazarded expressions so little in consonance with that love of our country, and solicitude for the British arms, which we are accustomed in this place to hear. I thus dismiss the only part of the case which I shall venture to touch upon at all; nor should I have been tempted to speak on this, even, had any other Honourable Member been induced to address the House from these benches, to denounce the dangerous expedient of the rebel leaders to which I just now alluded. I can well imagine that, in the course of years, as I have said, the condition or the distance of the mother country may prevent her from giving that protection to her colonies which the colonies have a right to demand; and I can well imagine that, in that case, there may be many advocates in a colony of the expediency of giving up its connection with the mother country. This may be necessary even with a view to that adequate defence which a colony can no longer obtain from the impaired establishments of the mother country. This was the case with the Spanish colonies in America, when they finally threw off their dependence on the crown of Spain. When the United States of America first unfurled the banner of independence, they only did so upon their own memorable declaration and showing, —because they had just grounds of complaint against the mother country. But the Canadians do not fairly stand forward on the present occasion; for I maintain, with, I believe, the great majority of this House, that they have no just or sufficient causes of complaint against this country.

COLONEL EVANS. — I am anxious to offer a few words to the House. I am always very reluctant to trespass upon it, but owing to the peculiar situation in which I stand, as to the question before it, in some relations which I will describe, I am desirous, very shortly, to trouble the House. The Learned Gentleman whom we have heard at the bar of the House, and who has addressed us as the agent of a certain party in Canada (Mr. Roebuck), has not only appealed to you in that capacity, but has also taken the trouble to agitate, in an especial manner, that body of electors whom I am sent to this House to represent. This has been going on for some time, and I admit that the learned gentleman has made some progress; but I am satisfied that after the explanation which has been given in this House comes to be considered, little will remain of the impression which may have been produced by the learned gentleman and his supporters. What has taken place, however, has convinced me of the necessity of Honourable Gentlemen who represent large constituencies declaring their sentiments on the question, so that an impression may not be conveyed to the disturbed provinces that such constituencies are disposed to approve of the revolutionary party in their present proceedings. I concur very much in the admirable observations of the Right Honourable Member for Coventry. He has said that nine tenths of the causes of the miserable state of Canada are attributable to the encouragement which some of the ambitious and violent leaders of that party have received from this country. I do full justice to the accuracy and the benevolence of his views, but regret much to perceive that, notwithstanding these unfortunate results — results which, I am sure, could not have been contemplated — a strain of argument has been adopted which must tend rather to continue the misfortunes of that country than to put an end to them. I, for one, speaking as the representative of a large constituency, and anxious that the Canadians shall not be misled, feel it to be my duty to state most distinctly my belief that they had no right to expect any popular support in their violent attempts to alter the constitution imparted to them; and, indeed, that their efforts to do so are perfectly hopeless. I consider it more incumbent on me to make that declaration, because several of the observations that have been made by Honourable Gentlemen are, I conceive, calculated to produce a contrary impression.

It has been asserted that the United States participate in the views of the violent party. I will venture to say that such an idea is altogether erroneous. It has been proved that the authorities are decidedly opposed to any anticipations of that sort. The American Government may be considered as almost entirely controlled by the public opinion of that country; its policy may on all occasions be fairly considered as representing the opinion of the whole body of the population. Though the North American is a democratic form of government, it has not been seen to exhibit the slightest symptoms of that Quixotic democracy which Honourable Gentlemen on the other side of the House are so prone to attribute to governments based on the democratic principle. There is scarcely any region under the heavens where there apparently exists less disposition to interfere in such contests as that which is now carrying on in Canada. They are a calculating race of people, and will not be found embarking — certainly not in great numbers — in any cause which does not offer a reasonable hope of profit or of success. I know what it is to carry on a warfare without money; and when the Honourable Member for Leeds supposes that M. Papineau will be largely supported by volunteers, I will ask, where are they to obtain the means of warfare? I can assure the Honourable Gentleman that without the means of supporting the Canadian rebels there will be an extreme paucity of volunteers. The North American Government has already sufficiently indicated its views of the contest; and, as I have said before, whatever policy governs the authorities is a complete index to the opinion of the population. The conduct of the Government of the United States must be allowed to have shown great forbearance in reference to the province of Texas.

As regards the popular constituencies of this country, a small portion of them may have been misled on this subject; those who have not time to devote to political discussions, and who are, therefore, easily induced to take an erroneous view, may have been persuaded to adopt the mistaken opinions of others; but I think that the present discussions will soon have the effect of setting them right again. The Honourable Member for Wolverhampton (Mr. Villiers) seems to have taken offence at the Honourable Member for Lincoln (Mr. Bulwer) for having last night described the party in this House professing extreme liberal principles as "philosophical Radicals." I do not see any cause for offence in those words. I have always understood that the Honourable Gentlemen referred to considered themselves the "philosophical Radicals." On the present occasion they certainly have been pursuing a line of argument in which the vulgar and uninitiated were totally unable to follow them. To one Gentleman, who has observed that the Member for Lincoln (Mr. Bulwer) would have done better, instead of indulging in the views he opened to us, if he had answered Mr. Roebuck's speech, I would beg to remark, that, in my opinion, the speech of the Learned Gentleman did supply most completely its own answer. It was a powerful refutation of itself. The Honourable Gentleman to whom I have before referred, began his statement by saying that he had nothing to do with an argument which had been previously raised — that he had no sympathy with Belgium or with Spain, or their recent struggles. It may be all very well for him to say this, or to leave us to raise our own inferences as to his opinions on those points; but, unquestionably, those cases have very little to do, indeed, with the question which is now before us as to Canada. I agree with the Right Honourable Baronet opposite (Sir R. Peel), that there is ample ground for this Bill, or some measure resembling it, even if this revolt had not taken place. I cannot help observing, however, that great and powerful advocates, as some Right Honourable and Honourable Gentlemen now are, for the liberty of Canada, I know that with regard to the Spanish question they gave their support to that side which was opposed to the popular party and to liberal principles. I cannot quite understand why there should be so little sympathy in the one case — so much in the other. The demands of the advocates of the House of Assembly to suppress the Legislative Council, and the appeals of the other party for some alteration that would enable the government to be carried on, make it evident that some considerable change is necessary. In point of fact, there has been no government in Canada for the last four or five years, and if it is imagined that the great constituencies in this country are favourable to the continuance of such a state of things, I am anxious that all who entertain that opinion should be disabused of it. I can assure those individuals that the large majority of the people of this country are totally opposed to the violent proceedings which have been resorted to. And I especially rose to assure the House that this is undoubtedly the case with the bulk of that intelligent constituency whom I have the honour to represent in this House. I have many thanks to offer for the indulgence with which I have been heard.

Mr. WAKLEY. — As a decided friend to tranquillity and peace, on all occasions, I have heard with extreme delight and satisfaction, the soft, melting, and languid tones of the great warrior of Spain. And as the Gallant General is one of my representatives in this House, and as I sometimes exercise the functions of an elector of Westminster, I consider myself, to a certain extent, as one of those represented by the Honourable and Gallant Officer who spoke last, and shall, therefore, I trust, be permitted to make a few observations in reply to those which have fallen from the Gallant Officer. In the first place, I am bound to state, as the representative of a much greater and more numerous metropolitan constituency than the Gallant Officer's, that the course of conduct which has been pursued by the Radical Members of this House, has created no sort of dissatisfaction whatever in this metropolis.

[Cries of "Hear, hear!" and laughter.]

Well, Sir, I only speak from the information which I have acquired from a close and constant communication with my constituents, and an anxious desire to learn, for my own guidance, what their opinions really are. I cannot be supposed to act in opposition to their wishes or opinions. I hold myself bound, in duty, to resign my seat, if called upon, whenever it may turn out that the votes which I have given, and the opinions which I have expressed, are opposed to the feelings of my constituents. Now, what has been their conduct towards me? I have neither been reprimanded, scolded, nor teased by them, nor have I been called upon to resign my seat. But I totally repudiate the assertion, and deny the statement, that the Radical Members of this House have, in any respect, avowed an opinion, or expressed a desire, that the Canadians should proceed to extremities, and stand forth in open revolt against the Government of this country. The Radical party know, full well, that there is but one principle which can justify a revolt, and that is, the certainty of success.

[Cheers and laughter.]

Oh! I am very glad to find that the Tories on that side of the House laugh and cheer my statement. I am afraid that they are but chuckling over the atrocities which have been committed, the miseries which have been endured, and the blood which has been shed in Canada.

[Laughter, and cries of "Oh, oh!"]

What do they cry "Oh!" for, and why do they laugh? If they mean to manifest, by that exclamation, a sympathy for the unfortunate people of Canada, and an abhorrence and detestation of the crimes which have been perpetrated, then I would ask, why they gave their sanction to that Government whose measures have led to that bloodshed? It is in the conduct of the Legislature of this country for years past, that we shall find the justification of the measures that have been resorted to by the people of Canada. If this House is blind and insensible to the facts and causes which have produced the revolt in Canada, the people of England, I can tell you, are neither blind nor insensible to them. They know that the Government of this country has allowed the Canadians to labour long under grievances and wrongs unattended to and unredressed. If the people of Canada were assured of success, — if they could command it, — they would be justified in resorting to extreme measures after the wrongs which I, for one, hold that they have endured, and the contumelies to which they have been subjected; and I say they might lawfully exercise resistance to rid themselves of their evils. It is, in my opinion, most idle and insulting to hold, that the people are to go on for ever, yielding a tame submission to their wrongs, instead of exercising the power which they possess, to rid themselves of these evils. Why, Sir, what was it that brought about even the concession (as it was called) of the Reform Bill? It was not a high and refined sense of moral force which induced this House to pass the Reform Bill; but it was the bone, the muscle, and strength of the people. If, instead of assuming a bold attitude, the people had supplicated and gone on their bended knees, I should like to know what they would have got? We have, indeed, been schooled, night after night, in this House, in reference to great principles; philosophical speeches have been delivered; but they were utterly thrown away upon you. I wish that, instead of wasting his philosophy upon this House, my Honourable Friend the Member for Bridport would make those admirable speeches before an assembly of the people. Many wretched, and many excellent speeches have been delivered upon the Canadian question, and the reports of them have extended to an immense length. All this reminds me of the anecdote told of an old lady, who, after having read nine or ten volumes of the reports of the debates said, "she did not understand them, and, indeed, she did not wonder, when she found that they had been talking for nine hours upon the question whether the word 'now' should stand part of the Bill." The people know this very well, that neither the House nor the Government will act upon popular principles until they are forced to do so. The Gallant General, too, knows it very well, and did not scruple to say so at the meeting held at the Crown and Anchor Tavern some years ago, when he said that he had left a place were 300,000 men were ready to march to their assistance, and that he, himself, was prepared to draw his sword in defence of the rights and liberties of his country, if need were. The Gallant Officer has talked of the difficulty of carrying on warfare without money. He appears, however, to have an equally clear perception of the facility of discontinuing a war when there is no money to carry it on. I again say, and fearlessly, that the people of this country are not indifferent to the wrongs of the Canadians: but to the statement, that the Radical Members have stimulated the revolt, I give the most unqualified denial. It is a most unjust and monstrous accusation — that the Radicals have been the means of producing the insurrection. What did the Noble Lord the Member for North Lancashire, whom I am sorry not to see now in his place, say? What did that Noble Lord, then Mr. Stanley, admit upon the subject of the Canada grievances in the year 1829? Upon presenting a petition to this House from the inhabitants of Canada, complaining of grievances, Mr. Stanley observed:—"On the subject of the Legislative Council, I do not hesitate to say, without any disrespect to or reflection upon the individuals who compose it, it is at the root of all the evils complained of in both provinces." That was an opinion expressed by the Noble Lord. It was followed by another: — "In point of fact, the remedy is not one of enactment, but of practice; and a constitutional mode is open to the people of addressing for a removal of the advisers of the Crown, and refusing supplies, if necessary, to enforce their wishes. I do, however, think that something might be done, with great advantage, to give a more really responsible character to the Executive Council, which, at present, is a perfectly anomalous body, hardly recognised by the constitution, and effective chiefly as a source of patronage."

Now, I wish to ask, whether Mr. Roebuck has ever used, even in this House, language so exciting as that,— or if he has ever given a recommendation so likely to produce revolt as that, — if, indeed, the legitimate exercise of a constitutional power can at any time lead to revolt. Such was the language of the Noble Lord in 1829, and yet the charge now against the Radicals is, that they have caused revolt. There is not the slightest proof of the accuracy of the charge. Now, looking to the causes of the calamity, what, I would ask, are the remedies proposed? The wiser course would have been, in the outset, to have applied a remedy to acknowledged grievances. But what have we heard from the Right Honourable Baronet (Sir R. Peel) in opposing the Bill? I really do hope, from the seductive tone which that Right Honourable Baronet has assumed, that he intends to make a small bidding for Radical support in this House. That Right Honourable Baronet has, however, been quite candid; for he declares that he does not wish to see Canada governed on constitutional principles. The Right Honourable Baronet commenced with the correction at the eleventh line, where constitutional principles are first referred to; and it is evident that he desires to send Lord Durham as a despot to Canada, who is not to be embarrassed or annoyed by any of the trappings or frivolities of a representative system of government. The part of the Bill objected to by the Right Honourable Baronet is the only portion of it which the Radical party can look upon with favour. It pledges the Government to continue the constitution in Canada. Now, I have heard with extreme regret the Noble Lord the Secretary for the Home Department shrink and soften down from the declaration which he made at the commencement of these proceedings. I understood the Noble Lord to declare, first, his intention to adhere to that part of the Bill, not to relax in its support; and afterwards, on second thoughts, to defer until to-morrow his determination as to the exact course he may think fit to pursue. This is a system of weakness and of vacillation which tends only to show that the measures of the Executive Government are brought forward without due consideration, and without weighing all the circumstances connected with it. I hope the Noble Lord will adhere to his first declaration — to the form of the Bill as it now stands, and not be alarmed by the appearance of a majority on the other side; and even if the Noble Lord should find himself in a minority, he may calculate on the support of the people of England, Ireland, and Scotland. A disposition not to adhere to the popular portions of the Bill will be construed into a disposition not to maintain the representative system in Canada; and a proof that if despotism can be found to work there, it will be persisted in. Such a course can only cover the Ministry with obloquy, and I believe that the secession of the present Ministry from office must be its speedy result.

Mr. BORTHWICK. — It is not my intention to detain the House on this occasion, for I am not now disposed to discuss the merits of the Bill. The question at present before the House is, whether or not the Bill shall go into committee. I render my most sincere thanks to the Right Honourable Baronet the Member for Tamworth for the part he has taken in reference to the general question, and for pursuing a line of conduct apart from expediency and from all paltry considerations of popularity and convenience, founding himself solely upon principle. I dismiss, at once, the attacks of an Honourable Gentleman opposite on the Right Honourable Baronet, who, he insinuated, was professing, on this question, a line of conduct calculated to advance his party views, but not the interests of his country. We all know what position the Right Honourable Gentleman would now be occupying were this imputation founded on anything like truth. It is curious that the people of Canada have been taught to look up to Lord Durham as attached to extreme Radicalism. I have read in a Canadian paper (the *Vindicator*) this remark,— that when his late Majesty should die, and the Princess Victoria come to the throne, her councils would be guided by Mr. O'Connell, Mr. Hume, Mr. Roebuck, and — ("*mirabile dictu*") — Lord Durham. I put it to the Right Honourable Baronet, whether he will save the country, or save her Majesty's Ministers? I rejoice to hear that he has determined to persevere in his objections to this Bill. In the committee, I shall call attention to the connection of the revolt in Canada with the pestilent principles that have been advocated in this country. The Honourable Member for Kilkenny and others were denouncing the Orangemen in this country, whilst it appears that the Orangemen in Canada were approving themselves the warmest supporters of her Majesty's authority.

Mr. CALLAGHAN.—I regret the consequence of the resolutions of last year, and think that a case has not now been made out to warrant the suspension of the constitution of Canada. I think that, to give up the Legislative Council to the demands of the Canadians, would be a much less sacrifice than the shedding of human blood, in refusing to them those changes which their representative House of Assembly have solicited, as having been required by the conscientious feelings of that community. As we have already given the Canadians a representative form of government, we ought to hold ourselves prepared to concede what has been thought necessary for the benefit of their country. I should not have presented myself to the notice of the House at this late period, but there has been such an absence of Irish Members throughout the course of these debates, that I thought it incumbent upon me briefly to express the sentiments which I, for one, entertain. I will not withhold my assent to any measure which shall hold out to Canada the prospect of a redress of its grievances; but I see nothing in the Bill likely to enable Lord Durham to ascertain and remedy those grievances. The Canadians desire an elective Legislative Council, and should have one: I can see no danger in it.

LORD DUNGANNON. — I think that her Majesty's Ministers are aware that a heavy storm is about to burst upon their devoted heads; and hence their anxiety to shield themselves under the protection of the Right Honourable Baronet the Member for Tamworth. After the wholesale declamation of republican principles uttered by the Honourable Member for Finsbury, I want to know where else the Ministers will turn for support in their measure, now that they may be said to be directed by those who have brought them into power. The Noble Lord and his colleagues, I fancy, will have to be sustained, — if, indeed, they remain in office at all,— by the Right Honourable Member for Tamworth, and the high-principled and conscientious party who generally act with him. For my own part, I pin my faith, as I have ever done, to the Right Honourable Baronet; for sure I am, that if the country is to be saved at all, it will be through the intervention of that Right Honourable Gentleman, and none other. What has the Honourable Member for Finsbury said? That revolt is justifiable only when it is successful, — a sentiment which, at one time, none would have dared to utter here. Were the Right Honourable Baronet on the opposite Bench, would the present Ministers have had the magnanimity to support him? Yet now, deserted by their late supporters, they fell back upon him, as one who, alone, is able to guide the vessel in distress. Without his assistance, they could not hold office a single day.

SIR W. SOMERVILLE. — I feel that

I owe some apology to the House for occupying its attention at this late hour. It is with great regret that I have been induced to give my consent to this Bill. I cannot think her Majesty's Ministers amenable to that censure for vacillation in this business, which has been so unsparingly brought against them. On the contrary, I think great caution, forbearance, and humanity have been shown by the Government throughout these transactions. I therefore feel it to be my duty, as an Irishman, grateful to the present Government for the good they have done for my country, to vindicate those Ministers from the censure which has been levelled at them from the other side of the House. Her Majesty's Government have been heavily rebuked for what has been called their "extreme negligence;" and, again, for their "inaction." I suspect it has been this very "negligence," or forbearance, and "inaction," or precaution, which have brought the result about, most important as that is, that affairs in Canada are now assuming so much more encouraging a tone than they did within a very short time past. The Canadian constitution, as I understand the matter, was a constitution freely granted by this country, and as freely accepted by the Canadians: yet it was not without regret that I heard the Honourable Under Secretary for the Colonies (Sir George Grey) assume so broadly, that the alterations in the present character and constitution of the Legislative Council, which the Canadians have called for so earnestly and so long, would prove injurious; and then go on to mark out the sort of course which it is evident that the Colonial Department propose to pursue in this case. If that distinguished person, (the Earl of Durham) in whom I have the very highest confidence, — if he should fail in this mission, I assuredly will never, under any circumstances, give my consent to anything approaching the character of a coercive measure. As an Irishman, merely, I also must protest against the comparison which it has been attempted to institute between the case of Canada and that of Ireland. Where is the point in common between the lightly taxed and favoured Canadians, and the long-suffering and long-neglected Irish, smarting under centuries of wrongs, privations, disabilities, and civil and political oppressions? Where, in Canada, is a church, not acknowledged by the bulk of the people, to the costly endowment of which they are compelled to pay in the same proportion, as the great Roman Catholic community of Ireland are obliged to contribute, to the maintenance of a Protestant establishment and hierarchy? I think it a high compliment to the generous character of my countrymen, that they have so long permitted such severe oppressions with such exemplary endurance. I will only repeat that, under the circumstances, I shall support this Bill.

On the motion of LORD JOHN RUSSELL, the chairman was then ordered to report progress; the House resumed; Bill reported accordingly, and report ordered to be taken into further consideration this day. Bill, as amended, to be printed.

COURTS OF JUSTICE BUILDINGS (SCOTLAND).

Bill to extend the powers of the trustees appointed under an Act of 6 Geo. IV., intituted "An Act to provide for the erection of certain Courts and Offices of Justice in Scotland." — Ordered to be brought in by Mr. ROBERT STEUART and Mr. BARING.

RETURNS.

Ecclesiastical Commission (Ireland).— On the motion of SIR ROBERT FERGUSON, Returns ordered —

Of the salary, fees, and emoluments of every kind paid to each commissioner, secretary, treasurer, clerk, agent, or other person employed in or by the Ecclesiastical Commissioners of Ireland, in each year since their appointment, and the name of every such person receiving the same.

Of the amount of money received by the Ecclesiastical Commissioners of Ireland on account of the Perpetuity Purchase Fund, and statement of the manner in which the same has been disposed of.

Adjourned at a quarter past twelve o'clock.

HOUSE OF LORDS, VENERIS, 26° DIE JANUARII, 1838.

APPEALS.

Stewart *v.* Gibson, *et è contra.*—Further and fully heard, and consideration adjourned *sine die.*

Glendonwyn *v.* Dame Mary Lucy Glendonwyn (or Gordon). — Adjourned to Thursday next.

M'Craw *v.* Cuningham. — Petition of the appellant to alter judgment. — Read, and referred to the Appeal Committee.

Sir E. J. M. M'Gregor *v.* Brown. — To be heard on Thursday next.

Gibson *v.* Ross. — Leave for a recognisance to be entered into for the appellant.

Pearson *v.* Casamajor. — Set down for hearing.

Monypenny *v.* Campbell; Logan (or Gill) *v.* Logan. — Appeals presented, and respondents ordered to answer in four weeks.

APPEAL COMMITTEE.

Third Report from; read, and agreed to; and ordered accordingly.

COMMISSION.

The following Bills received the Royal Assent: — Duchess of Kent's Annuity Bill; Joly's Naturalisation Bill.

CANADA.

LORD ELLENBOROUGH. — I expected that the Noble Baron opposite would lay on the table an extract of a despatch from him to the Earl of Durham, dated 20th of January, 1838. I suppose there can be no objection to its production.

LORD GLENELG. — Certainly not.

The NOBLE LORD then laid on the table an extract of a despatch from him to the Earl of Durham, dated 20th of January, 1838. — Ordered to be printed.

VOTE BY BALLOT.

LORD BROUGHAM presented petitions in favour of vote by ballot from the magistrates and town council of Selkirk; from the six incorporated trades of Kirkcudbright; from burgesses and others of Totnes, and Beverley; and from inhabitants of Peebles, and Guisborough. — Read, and ordered to lie on the Table.

SUFFRAGE.

LORD BROUGHAM presented a petition for the extension of suffrage, from burgesses and other inhabitants of Beverley. — Read, and ordered to lie on the Table.

SCOTCH CHURCH.

LORD BROUGHAM. — I hold in my hand a petition from the United Associate Synod of the Secession Church, Scotland, met at Edinburgh, praying your Lordships on no account to sanction any grant for providing additional accommodation for the Church of Scotland. I have, also, two other petitions to present to the same effect: the first is from the non-electors of Cupar (Fife); the second, from inhabitants of the barony of Gorbals. There is no other subject which excites a more lively interest throughout the kingdom of Scotland than this.

Read, and ordered to lie on the Table.

NATIONAL EDUCATION.

LORD BROUGHAM presented a petition in favour of national education, — from the mayor, aldermen, and burgesses of Boston. — Read, and ordered to lie on the Table.

SLAVERY.

LORD BROUGHAM presented petitions

for the emancipation of negro apprentices, —from inhabitants of Dowlais; Frome; Selwood; Crewkerne; Bridport; Dawlish; Merthyr Tydfil; Boroughbridge and Aldborough; and Pateley Bridge.—Read, and ordered to lie on the Table.

Also, a petition from inhabitants of Glasgow.—Read, and ordered to be received as the petition of James Beith, chairman, who only has signed it.

LORD BROUGHAM.—I intended to call the attention of your Lordships to some very important matters connected with this subject of slavery; but as her Majesty's Secretary of State for the Colonies has left the House, I will defer the observations I have to make till Monday next, when I shall move for the production of papers relative to this question. The petitions I have this night presented, and the many that have preceded them, show the interest which is felt throughout the whole country on this subject. The papers I shall move for refer to two parts of the question, namely, the system of slavery carried on in Africa, and the practice of paying head-money for captured slaves; and, also, the order in council relative to the introduction of Chinese labourers into the West Indies. I do not anticipate that any objection will be made to these returns.

Return of the names of the persons to whom the moneys mentioned in the Return, laid before the House on the 22d of December last, "of all sums paid to defray the expenses of the commission of slavery compensation, with the dates of such payments," have been paid.—Delivered (pursuant to order), and to be printed.

Adjourned.

HOUSE OF COMMONS.

PRIVATE BUSINESS.

Pulham (Norfolk) Inclosure. — Petition for Bill. — Referred to the Select Committee on Petitions for Private Bills.

Brecon Market Bill, — "For providing market places, and for regulating the markets, within the borough of Brecon, in the county of Brecon."

PUBLIC BUSINESS.

PAPERS.

The following papers were severally presented at the bar; viz.: —

East India Company. — List of particulars of compensation proposed to be granted to Mr. Thomas West Marriott, of the late maritime service of the East India Company (by Act).

Revenues of India. — Account of monies supplied from the revenues of India since the Return to the Order of the 7th of July, 1836, towards the payment of expenses in England, chargeable on those revenues (ordered 12th of May).

To lie on the Table.

MISCELLANEOUS PETITIONS.

The following petitions were severally presented; namely: —

Sodor and Man Bishoprick, — From Bromington, against suppression of.

Patterns and Inventions Bill, — By Mr. MACKINNON, — of Hugh Bidwell and others, in favour.

Church of Scotland, — By Mr. ELLICE and other HONOURABLE MEMBERS, against further endowments, — from Cupar, and Moderator and Clerk of the United Associate Synod of the Secession Church of Scotland. — To lie on the Table.

Postage, — By Mr. ELLICE, Mr. ELLIOTT, and LORD WILLIAM BENTINCK, for a low uniform rate of postage, — from Crail, Anstruther, Easter, Gorbals, Glasgow, and Cupar. — Referred to the Select Committee on Postage.

Municipal Corporations (Scotland), — By Mr. ELLICE, — from the Provost of St. Andrew's, for reform.

Ballot, — By Mr. ELLIOTT, — from Harwick, in favour of. — To lie on the Table.

Fictitious Votes (Scotland), — By Mr. ELLIOTT, complaining of the practice of creating and registering fictitious votes in Scotland, — from Harwick and Selkirk. — Referred to the Select Committee on Fictitious Votes (Scotland).

Sheriff Courts (Scotland) Bill, — By Mr. ARBUTHNOT, — of procurators practising in the Sheriff Court of Kincardineshire, against.

Negro Apprenticeship, — By SIR E. WILMOT, for abolition of, — from Finchingfield, and Great Bardfield.

Marine Insurances, — By CAPTAIN PECHELL, — from Shoreham and other places, for repeal of duty on.

Fire Insurances, — By LORD WILLIAM BENTINCK, — from Gorbals, for reduction of duty on.

To lie on the Table.

GLASGOW COTTON SPINNERS.

MR. WAKLEY. — I do not know, Sir, whether it is necessary for me to give notice for a Return which I am very anxious to obtain; nor do I know whether any opposition is likely to be made to my motion. I am again placed in a difficulty from the fact of there being no Member in his place who is connected with the Government. What I wish to move for is a copy of any memorial to the Secretary of State from the council of the cotton spinners lately convicted at Glasgow. I made an application, the day before yesterday, for a copy of this memorial, and I was then told that I must appeal to the

House of Commons. I now do so, but am not satisfied that it will be granted; and, therefore, I shall be happy to be guided by any suggestion you may kindly, Sir, offer.

The SPEAKER. — The Honourable Member must be quite aware that he should have given notice according to the usual forms or usages of the House, or that he ought to have had some communication with the gentlemen to whose department such document is sent, in order to ascertain whether any opposition were likely to be made or not. Therefore, when such a motion is made, I always ask the Honourable Member who may move, whether a communication has been made with the proper parties, and whether opposition is likely to be raised? But in the absence of such an understanding, I suggest that it is not according to the usual practice of the House to grant such motions.

Mr. WAKLEY. — I am aware that it is not in conformity with the usual practice of the House to proceed in this way; but permit me to say, that I believe it is presumed by the constitution of this House that we are always to be here to attend to our duties at four o'clock, and I was not aware that notices should be given to the respective departments. I, however, yield, Sir, to your opinion.

Mr. ROBERT STEUART. — As the Honourable Member for Finsbury, on this as on other former occasions, thinks fit to go out of his way to express his dissatisfaction at the non-attendance of those Members who are connected with the Government at four o'clock, I must beg to remind him that they have other duties to perform, and that it is not the usual practice for the Ministers of the Crown to come down till the hour at which the regular discussions on public business commence, the early part of the evening being devoted to private Bills. With regard to the Return moved for by the Honourable Gentleman, I told him, last night, that it would not be in conformity with the rules of the House to grant the motion, and I suggested that some communication should be made with my Noble Friend; but I have not had an opportunity of attending to the matter since. At the same time, I must observe, that the moving for Returns during the early part of the sitting of the House is an unusual practice.

Mr. WAKLEY. — The Honourable Gentleman says, I have gone out of the way to intimate my dissatisfaction at the absence of her Majesty's Ministers at this hour of the evening. I do not know that I said anything disrespectful or discourteous to the House, or used any language which would be offensive to him. But I do contend, Sir, after all, that one Member, at least, of the Government should be here at the assembling of the House.

EAST INDIA COURTS.

Mr. WARD. — I rise, Sir, to present a petition to which I beg to call the attention of the House, because it is one of a very unusual nature. It is signed by nearly 2000 inhabitants of Calcutta, and others, including merchants of the highest respectability in both provinces, for amending the law, by enacting that in all cases of debt, contract, or trespass, in which a British subject may be sued in the local courts for an amount exceeding 4000 government rupees, an appeal may lie to the supreme court. The petitioners allude to the fact, that an Act has lately been passed by the Legislative Council of India, and promulgated as law, entitled "Act No. XI. of 1836," purporting to repeal the 107th section of the 53d Geo. III. c. 155. They complain, "that by this new law the British-born subject is deprived of his right to appeal, in all cases, to the Supreme Court; and even in all cases where the amount in dispute is under 5000 rupees, to the East India Company's courts of Sudder and Sudder Dewanny Adawlut; and when it exceeds that sum, he may appeal to these courts — courts from which no appeal at present lies to his Majesty in council, unless the amount in dispute exceed 50,000 sicca rupees." The petitioners allege, that they were assured by the Governor General of Calcutta that the new law would make no change as to the rights of British-born subjects; but that the effect has been to operate a great change. I shall move that the petition be printed, with a view to call the attention of the House to this petition; and I will give notice that I shall, at a future period of the Session, found a motion upon it.

The SPEAKER. — Looking to the new regulation which has been made, the Honourable Member must be aware that he must fix a day within the prescribed time.

Mr. WARD. — Then, Sir, I will name Tuesday, the 6th of February next, for that purpose.

RETURNS, &c.

Tithe Commutation, &c. — On the motion of Mr. DUGDALE, a Return was ordered — of the number of tithe commutations which have been actually completed, by appointment, thereof, up to the 31st day of December, 1837, arranged under the following heads: — 1. Those in which the same person is the sole landowner, tithe-owner, and patron. 2. Those in which the same person is the sole landowner and patron, but not the tithe-owner. 3. Those in which there is but one landowner, he being neither tithe-owner nor patron. 4. Those in which the landowners are two only, not being either tithe-owners or patrons. 5. Those in which the landowners are three only, not being either tithe-owners or patrons; and, under each head, distinguishing in how many cases the tithe-owner is a layman, and in how many an ecclesiastic.

PENSIONS COMMITTEE.

SIR GEORGE SINCLAIR. — I beg leave to state, with reference to a question which was put to me on a former occasion by the Honourable Member for Marylebone, that I do not intend to insist on my motion for placing Mr. Harvey's name on the Select Committee on Pensions, because the House, I conceive, has already, in an unequivocal manner, decided that question.

RATING OF TENEMENTS BILL.

Petition from Deeswade Union, in favour. — Referred to the Select Committee on the Poor Law Amendment Act.

COMMISSION.

Message to attend the Lords Commissioners. The House went; and, being returned, Mr. SPEAKER reported the Royal Assent to Duchess of Kent's Annuity Bill, and Joly's Naturalisation Bill.

LOWER CANADA GOVERNMENT BILL.

On the motion of LORD JOHN RUSSELL, order for further consideration of Report read, and the Bill recommitted.

The House then resolved itself into committee on the question, that this Bill be now read a second time.

LORD J. RUSSELL. — Sir, on the question that this Bill be read a second time, I wish to address some observations to the House with respect to the course we mean to pursue in relation to it. I stated, yesterday, my view of the case, in reference to what fell from my Right Honourable Friend the Member for Coventry; and I certainly said, that I should be prepared this day, after consultation with my Colleagues, to state the mode in which the Government meant to proceed with respect to the Bill, and the amendments proposed by the Right Honourable Gentleman opposite, the Member for Tamworth. Accordingly, Sir, the whole subject has been considered by her Majesty's servants, and I have now to state their opinion of the manner in which we ought to proceed on this Bill. Sir, it was the anxious wish of her Majesty's responsible advisers that Parliament might have the opportunity of considering the whole of this subject, and the whole policy intended to be pursued. No one, I think, has found fault with that proceeding. Indeed, the only fault which was mentioned on the first night's discussion was stated by the Right Honourable Gentleman opposite, and amounted to this, — that we had not brought forward the question in a more solemn manner by a message from the Crown, asking the advice of Parliament on the subject. Sir, without taking that mode of proceeding, we did think it right that the whole policy to be pursued should coincide with the view of Parliament, and that Parliament should be called on to pronounce its opinion respecting it. In following this view we certainly have placed ourselves in difficulties with respect to the manner in which that advice should be asked. I am ready to admit that — part of that policy being to exercise the prerogative of the Crown — either to enact, or place in the preamble of the Bill, a recognition of that policy, is a departure from the ordinary usages of Parliament; but one in which we thought we were justified by the extraordinary nature of the occasion. But, Sir, the Right Honourable Gentleman opposite has questioned this mode of proceeding, and has found fault both with the form and substance of what we propose; and my Right Honourable Friend the Member for Coventry has called on us, very emphatically, to declare whether we consider ourselves bound to the preamble as an essential part of the measure? Now, with respect to the nature of our proceeding, I certainly am ready to say, that it is not in accordance with the ordinary forms of the House; and with respect even to its substance, I am ready to declare, as I did in a former debate, that the words proposed by the Right Honourable Gentleman secure that which we think essential to be secured in a Bill of this nature: that while you propose to suspend the constitutional liberties of the province of Lower Canada, you declare, at the same time, that it is with a view to a permanent arrangement by which those rights and liberties may be maintained and secured. Sir, there was another question on which we felt a far greater difficulty, and as to which I stated our difficulty last night. It was, that having placed in the preamble of this Bill a recognition of part of the policy that we propose to pursue, an alteration in the preamble by which that part should be omitted would seem to be an implied condemnation of our policy. Her Majesty's Government have again seriously considered this matter.

Now, Sir, the Right Honourable Gentleman's declarations on this subject are of exceeding importance, and, in fact, on such declarations as are made by the Members of this House much of our future proceedings will, of course, depend. The Right Honourable Gentleman has, as I understand him, declared that he objected to the policy proposed to be adopted, as designated in an extract of a despatch written by Lord Glenelg to Lord Durham, prescribing to Lord Durham this course; that, if he thought fit, he might, in a certain manner there pointed out, take the opinion and advice of persons representing the other inhabitants in Upper and Lower Cânada. Now, if the Right Honourable Gentleman had gone any further than this, and asserted, that in his opinion that policy is faulty and likely to be so injurious to the country that he could not agree to it, then, undoubtedly, it would have been the duty either of himself, or of some other Member who agreed with him, to have proposed to this House, now assembled for the purpose, and at present for the sole purpose, of advising the Crown in this emergency,—to declare, by some address or resolution to the Crown,—that this House advised her Majesty not to sanction such a course of policy. But I have not heard the Right Honourable Gentleman go that length of condemnation. On the contrary, if I recollect rightly what he said yesterday evening, and in which he can now correct me if I be mistaken, his declaration was, that, although he did not agree in the particular mode pointed out in the instructions, he considered it a matter within the prerogative of the Crown to decide upon, —for which the immediate advisers of the Crown ought to be responsible, — and of which responsibility he would not relieve them, by taking any share or admitting any participation on the part of this House in the plan which we submit.

Such being the declaration of the Right Honourable Gentlemen, we have felt it our duty to come to this conclusion,— that, with respect to the preamble itself, so far as the Bill is concerned, and looking to the importance of those considerations which my Right Honourable Friend behind me suggested last night, we do not think that the Bill of itself will be materially injured by an alteration in the preamble to the effect proposed by the Right Honourable Gentleman. Sir, with respect to the policy itself which is proposed to be pursued, we have communicated that policy to Parliament, both by the speeches of Ministers in this House, and by a communication, under her Majesty's command, of that part of the despatch containing instructions to the Earl of Durham. These instructions are—that he be at liberty, if he think fit, to consult with the deputies of the province in a certain manner which is stated. Now, if those who are opposed to that part of the preamble which it is proposed to omit, if they entirely differ from that policy, we think that it is incumbent on them, if they extend their condemnation to the point I have stated, to offer their advice to the Throne, — and to state in this House, by some definitive motion, a condemnation of the policy which we have so openly declared; if, on the contrary, their opinion is, that it is a subject on which the House of Commons need not interfere, and that we ought not to involve the House of Commons in our responsibility on this question, and if they are content to leave it to the advisers of the Crown,—why then, Sir, we consider, on a view of this whole subject, that we are bound to abide by that responsibility, and to consider the House of Commons as willing to allow the matter so to rest. In short, Lord Durham, in proceeding to Lower Canada, will proceed there with our instructions, and will not consider his discretion fettered by any resolution or any vote which has been come to by this House on the subject. With respect to the Bill, the Governor of Lower Canada, no doubt, would be satisfied with the Bill as it is proposed to be amended. With respect to the proceedings of this House, if no ulterior steps, be taken, of course there cannot be intended to be conveyed any censure by the House of Commons of the policy intended.

I am glad to think that there is a very great interest taken on this subject in this House,—and that so many gentlemen, animated, no doubt, solely with a view to the proper settlement of this question, have attended the House at this stage of the proceeding. And, Sir, as the House is so full, and there is this great attendance of Members, I will take this opportunity of stating again, not what are the precise and particular instructions with respect to that part of our policy to which the preamble adverts, but what is the general nature of the policy proposed to be pursued. It has always seemed to us that, with regard to this subject, while it is our duty to call on the House to suppress all appearance of resistance to authority, and while it is our duty to provide for carrying on the Government in Canada, we ought not to be parties, in any way, to the supposition that the great body of French Canadian inhabitants of Lower Canada, or any other part of the inhabitants of Lower Canada, are to be made the subjects of proscription or injustice in a body in consequence of what has taken placé. It is our view, therefore, that in any future settlement with regard to the affairs of Lower Canada, the wishes and opinions of the people inhabiting that province should be duly consulted. Sir, if there ever was a time when it was necessary to say this, I think it is necessary to do so at the present time. I think it is necessary to do so in order that when the insurrection, which Sir J. Colborne has met with so much energy and promptitude, and is declared by him now to be almost at an end, shall be completely ended,—the angry feelings aroused, and naturally aroused, in those who were the objects of enmity in that province, shall not form the rule and guide of the power representing Great Britain in that province. Sir, I feel this because I differ widely and totally from the morality lately laid down at the bar of this House, and echoed within this House,—"that success is the only criterion of the justice of rebellion." I am not prepared to agree to a code by which John Hampden and Jack Cade shall be placed on the same level, and by which Massaniello of Naples would be covered with eternal laurels, while Algernon Sydney would be consigned to immortal infamy. I am not prepared, therefore, whilst I do not estimate the merits of insurrection by its success, to estimate its guilt by its failure. I consider still, as I did at the commencement of this insurrection, that the greater part of those who were led into it were so led chiefly by ignorance,—partly by the ill construction of the powers of the government in Lower Canada,—and partly by the arts and seductions of an ambitious party in that country, who made these unfortunate and simple people the tools of their machinations. Therefore, Sir, in any settlement that shall be made of the affairs of Lower Canada, I wish their interests to be fully and entirely consulted. I stated accordingly to the House, that it is part of our policy, when tranquillity shall be restored, and when the general opinions can be gathered, in watever method they may be gathered (and that is a point into which I shall now enter), they should be communicated to Parliament, and that we should not appear to be forcing on them a charter,—which by them may be considered a badge of slavery,—but that we should rather come to a settlement according with their habits, agreeable to their notions, and likely to secure tranquil government for the future. This, therefore, is an essential part of the policy we mean to propose. I do not think it will be possible, otherwise, to carry on the government in such a manner that this House can be reconciled to its justice.

Those who have seen some of the newspapers that have lately come from Upper and Lower Canada, must be aware how highly irritated the feelings of some parties in the province are, and what a disposition there is to push victory to excess. Therefore I wish to state to the House, that in abandoning—which I am ready to abandon—that part of the preamble of the Bill which is objected to, I still think that the position of the Governor sent out from this country should be that which was stated in the first debate which we had on this subject by an Honourable Gentleman who has always spoken with the greatest ability on this question,—I mean the Member for Newark (Mr. Gladstone),—should be such that he may stand as mediator between the two adverse and extreme parties. I am of opinion that by such means, only, can peace be preserved. I am of opinion that by such means only, and by preserving our supremacy over the province, can the permanent prosperity of its people be preserved. I am not afraid, as some of those who live in that country seem to be, that in the long run those of British descent will be permanently oppressed by the ancient inhabitants. I am of opinion that if we take care that fair admission and fair privileges should be given to British settlers, and every right advantage given to the ancient inhabitants, they may live together and form one community. And, indeed, I do hope, and must express that hope, that as they are to have a constitutional government, those English and British feelings which I have always considered as the best foundation for a constitutional government — those feelings which are more valuable in carrying on constitutional government than all the articles inserted in the constitutions of the countries of the Continent,—I do hope, I say, that those feelings may and will pervade the province of Lower Canada; and that, with such feelings, they may carry on the constitutional government with freedom, indeed, and liberty, but likewise with that temper and moderation which has been always shown in the conduct of Parliament in this country; because, while in this country, (with the exception of some extreme contests, no doubt,) there has been every assertion of freedom, there has likewise been an unwillingness to deprive the Government of every power which could enable it to act as a Government, or to admit a licence fatal to the existence of the constitution. This is the manner in which excess in either respect has been avoided.

Sir, I have now stated what we propose with respect to the preamble of the Bill. With regard to another clause, of which the exclusion is proposed, and which gives the Queen in council the power of repealing this Act, I own I think our opinion is in itself defensible. I think when you give the power, as has been frequently done to the Lord Lieutenant of Ireland, to proclaim districts and to subject the inhabitants to a severe and coercive law, a power may be given to mitigate its provisions. But when I say this, I am likewise of opinion that if any objection is taken in Parliament to give such a power to the Crown, and if it be asserted that Parliament ought to retain it, then I think that not only has Parliament a full right to decide that question, but that nothing like a legislative power should be given to the Crown without the entire and almost unanimous assent of Parliament. Therefore I shall not object to the omission of this clause.

[Loud laughter and cheering from the Opposition benches.]

Sir, that cheer would almost induce me to suppose that there are some persons in this House who, notwithstanding the magnitude of the subject, do not look entirely to a happy settlement of the affairs of Lower Canada.

[Loud cries of "No, no!" from the Opposition benches, and "Hear, hear!" from the Ministerial benches.]

It might almost induce me to suppose that there are some persons in this House who have a party purpose to answer in their support of the Right Honourable Baronet opposite.

[Repeated cries of "No, no!" and cheers.]

If that be not the case, I shall be exceedingly happy; for then I hope we may arrive at a nearly unanimous settlement of this important question. Because with respect to the objections which have been taken to two parts of the Bill — not essential parts — I am willing to accede to the suggestion of the Right Honourable Baronet; and with respect to the powers to be given to the Governor by the Bill, I understood the Right Honourable Baronet to say, whatever powers may be necessary for carrying on good government in the province of Lower Canada he is willing to grant. I do not insist upon more. The Right Honourable Baronet is willing to grant us the chief provision which our Bill contains.

And now, Sir, as to the policy comprehended in the instructions to Lord Durham, which have been laid before the House, I declare that we maintain that policy, that we stand by that policy, and that, although we accept the amendments which have been proposed by the Right Honourable Baronet, we do not abandon that policy. Sir, I am only adopting sentiments and using language (though imperfectly) which have been held by Honourable Gentlemen opposite, when I say that, with regard to a subject of this nature, if there be a want of confidence in the policy which is to be pursued, — if the instructions which have been given be condemned, — it is for those who feel such want of confidence and express such condemnation to make a specific motion on the subject.

[Loud cries of "Hear, hear!"]

Sir, I repeat that we do not abandon our policy. We do not venture on any extraordinary assumption as to the approbation of the House of our policy: but we do think ourselves justified in considering that if no condemnation is pronounced no condemation is intended, — and that our discretion is left free. Sir, with these observations, I believe I, may close the statement of the course which we intend to pursue with respect to this Bill. I again declare, that if there be any part of the Bill which gives the Governor General exorbitant power, not necessary for carrying on the government, let the clauses be amended in that respect. But I do hope the House will take care that they establish a government in Canada capable of inspiring respect in that country; and that they will not renounce the hope—and I trust the well-founded hope—of restoring or erecting a constitutional government there.

SIR R. PEEL.—Sir, when I first became possessed of the Bill of the Noble Lord for making a temporary provision for the government of Lower Canada, I availed myself of the earliest possible opportunity to give public notice that there were two provisions in that Bill to which I entertained an insuperable objection; and that it was my intention to move amendments to those provisions, and to take the sense of the House for the purpose of having the deliberate decision of Parliament on the subject. I took the course—rather an unusual one—of giving notice of the amendments which it was my intention to propose, for the express purpose of disclaiming any advantage from concealment, and of enabling the Noble Lord to take the measures which are usually taken on important questions, and to secure such an assemblage of Members as should clothe the decision of this House with the important character of numbers. And, Sir, from the first I never entertained the slightest doubt that I should succeed. I felt so satisfied that the amendments which I intended to propose were founded on reason and common sense, that I paid the House of Commons the compliment of believing that they could not resist the adoption of them. And when I heard Honourable Gentlemen on the other side say, that the very words in the preamble to which I objected constituted, in their eyes, the chief, if not the sole, recommendation of the measure; and, when I read in the organs of Government denunciations of my motives and feelings, my confidence in ultimate success was not in the slightest degree diminished. Nay, when I heard the Noble Lord, last night, say, in speaking of my objections, that if they were objections of form he would withdraw his opposition to them, but that, if they were objections of substance, he should feel some difficulty on the subject; and, when I thereupon declared that my objections were not objections of form, but objections of substance, still my confidence in the reasonableness of my proposition was not in the least abated; and I felt perfectly satisfied that either, by the vote of a majority, or by the voluntary adoption of my amendments, on the part of the Government, reason would prevail, and the objectionable clauses would be struck out of this Bill.

Sir, my confidence has been justified by the result; for I understood the Noble Lord to declare, that he is prepared to adopt, without qualification, the propositions I have made. It is, therefore, wholly unnecessary for me now to declare what my own views and intentions are. To preclude misconstruction, I did not propose to move for the simple omission of the preamble of the Bill, but I expressly stated what was the substitute I proposed; that, in lieu of the preamble of the Noble Lord, there should be inserted words to this effect:—"That temporary provision should be made for the government of Canada, in order that Parliament might be enabled, after mature deliberation, to make permanent provision for the constitution and government of Canada." I did not say, for the government merely; and I inserted the word "constitution," expressly to imply that the government should be a constitutional one. I added, "that the basis should be a permanent one;" and, also, "that the basis should be one which would secure the rights and liberties, and promote the interests, of all classes of her Majesty's subjects." By using the words, "interests of all classes of her Majesty's subjects," I did mean to claim for Parliament the right of taking a comprehensive view of the whole subject, of considering the claims of British subjects, and of providing, by the establishment of a representative system, for the protection of British property and feelings. By the words, "rights and liberties," I expressly meant to imply, that every right which the French Canadians now possess, either by capitulation or by treaty, should be strictly preserved to them;—that those rights, in respect to religion, and in respect to every peculiar privilege derived from capitulation or treaty, should be preserved to them. I also intended to imply, that the French Canadians and the British Canadians by birth, should be secured in the enjoyment of a free constitutional government, founded on this basis,—that while it was a government established on free and constitutional principles, it should also be a government possessed of the means of defence in any case of emergency, and of providing in every respect for the good government of

Canada. There can be no common interest between all parties, unless such a government be established.

It cannot be expected that we should undertake a charge of defending the colony in time of war, unless we are assured that there is a disposition existing in it to cultivate our connection; and, if our interests are endangered, to sacrifice all minor considerations to their support. I do not now think it necessary to refer to the amendment which I proposed, and which was framed expressly for the purpose of comprehending the views which I have just explained. The Noble Lord has entered (in my opinion somewhat unnecessarily) into his views of the principles of policy upon which Canada ought to be governed. In some respects, I entirely agree with the Noble Lord. It seems to me to be most important that the British Government should appear in Canada in an amiable light; that it should appear in the light of an arbiter between the contending parties. I am not disposed to leave the arrangements which it will be necessary to make to persons who are in a state of exasperation; exasperation, to a certain extent, perhaps just and excusable, but still exasperation. Sir, it is because this is my opinion, that I think the British Government in Canada ought to have been placed in such a position as to have been enabled to enforce its own policy, and to have maintained a due respect for the dignity of the law and for the honour of the Crown; not by the voluntary exertions of the inhabitants, however laudable, but by a British military force, disclaiming all participation in the feelings or views of either party, and solicitous only to maintain the legal and constitutional authorities. Sir, it is because I agree to the Noble Lord's present policy, that I am disposed to condemn his former policy with reference to this subject, and to express my surprise that the Noble Lord did not foresee the great probability that the resolutions, to which we agreed last spring, might, on their reaching Canada, occasion an outbreak of party feeling, and produce an excitement and violence, the only way to allay which would be a temperate exhibition of strength on the part of the Government. The Noble Lord says,—taking a different view of the subject from that which he took yesterday, — that, as no inconvenience will arise from the omission of the words which it is now proposed to leave out of the Bill, no reflection can be cast on her Majesty's Government for the course which they have pursued. "But," adds the Noble Lord, "if you object to our policy, it is your duty to propose a vote of censure upon us." Now, my principle is, that we have nothing whatever to do with the policy of her Majesty's Government on this subject. I am not to call in question the exercise of the royal prerogative, in the appointment by the Crown of the Earl of Durham as Governor General of Canada. That Noble Earl has been selected by the Crown for that situation; and, Sir, I know too well the importance of maintaining the prerogatives of the Crown, not to check the first attempt to call in question, without a very grave necessity indeed, the exercise of such a prerogative. I shall act consistently with the same principle, in reference to the instructions which have been given to Lord Durham by her Majesty's Government. I will not notice those instructions. I will not recognise them. I will propose no vote of censure upon them; for, were I to do so, and were I to select the parts in which, in my opinion, we ought to concur, and the parts which, in my opinion, we ought to condemn, I should place myself, a mere Member of Parliament, in the situation of an adviser of the Crown. That must certainly be the case; for, if I exercise the right of unqualified censure and condemnation, I ought equally to exercise the right of qualified censure and condemnation; and in detailed instructions, it is impossible that every part should be equally open to remark. Now, what would be the consequence of that? That I should claim for the House of Commons a participation in the exercise of the prerogative of the Crown; and a most dangerous precedent it would be, if we were thus to pronounce, *à priori*, an opinion on the policy of Government. So I tell the Noble Lord, that he need not expect any vote of condemnation will proceed from me. I abstain from that vote on the same principle, with reference to the instructions which have been given to Lord Durham, as that on which I abstain from it with reference to the Bill under our consideration. As to the instructions themselves, I do not think we ought ever to have seen them. I will in no shape, by any public proceeding, contract any responsibility on the subject; but it may save time if I tell the Noble Lord, that I hold her Majesty's Government entirely responsible with reference to them; and that my being in possession of the instructions in question, and yet maintaining this silence upon them, in no way renders me responsible. I retain the right of questioning the policy of those instructions as if I had never seen them; and still more, I declare, as far as my private opinion is concerned, although I do not mean to record that opinion by any vote, that, of all the public documents I ever met with, I think that these instructions to Lord Durham are the most eminently absurd.

In the first place, let me ask Honourable Members if they do not think it would have been more consistent with common sense, to have waited until the last moment of the Noble Earl's remaining in England before communicating to him those instructions? If, Sir, I had determined on adopting a course different from that which it is my intention to pursue, I would have proposed a kind of *contre-projet* to the instructions, commencing with some such terms as these: — "My Lord, I have postponed, until the latest moment, giving your Lordship any instructions with respect to the course and policy of your proceedings in Canada. I have waited for the latest arrivals from that colony, in order to ascertain by them what is the existing condition of Canada, — what are the opinions of various persons with reference to that condition, — and what are the best means which offer themselves for securing the object of your Lordship's mission."

But even now, if I were to address the Noble Earl officially on the subject, I should say, "As Parliament has thought fit to entrust to your Lordship immense powers, *à fortiori*, I think it is incumbent on me to leave your Lordship at liberty as to the mode of exercising your powers on your arrival in the colony. So far from fettering your Lordship, who will not sail until the 1st of April, with instructions dated on the 20th of January, — instructions implying a total want of confidence in your own means of obtaining information in the country, and dictating to you how many advisers you shall collect from this Council, and how many from that, — how many from Upper Canada, and how many from Lower Canada, — I content myself with stating to you, generally, the object which her Majesty's Government have in view, having full confidence that, when your Lordship arrives on the spot where your operations are to be carried on, you will soon be much better qualified to give effect to our intentions, than we can be qualified, at present, to instruct you." Would it not be more consistent with common sense thus to leave Lord Durham to act according to the dictates of his own judgment, when he arrives in Canada, and when he is put in full possession of the existing state of affairs in that colony, of which it ought to be presumed that he will be a competent judge, than to embarrass him with these previous instructions? When the Noble Lord opposite, therefore, challenges me to give my opinion of these instructions, although I will not put that opinion in a formal shape, and place it on record, I am perfectly ready to declare it, and to offer it to the Noble Lord as the index of the course which I may hereafter pursue with reference to this subject. By those instructions her Majesty's Government leave the Noble Lord no option. He must either have no meeting of councillors at all, or exactly such a meeting as they prescribe to him. He is either to have no committee of advice, or he is to have such a committee of advice as her Majesty's Government have dictated to him.

Now, suppose the Noble Lord, on his arrival in the colony, should find that a great change has taken place in the disposition of the members of the Legislative Assembly; suppose they say to him, "We find that we have been deceived, and we are now ready to conform to the wishes of the British Legislature," is the Noble Lord then to call together all the constituent body in the five districts of each province, — a body of which we were last night told by the Right Honourable Member for Coventry that not two in a hundred can read and write, — is the Noble Lord to call that body together, for the purposes described in the instructions? Would it not be wiser to leave the Governor General, on his arrival at the seat of his government, and after he has been put in possession of all the facts of the case, and has collected the opinions of the various authorities on the subject, to act as he may think proper, rather than, on the 20th of January, to tie him down to any particular course? I repeat, then, frankly, that, although I will not propose a vote of censure on these instructions, my condemnation of them is not the less unqualified; and, confident as I was in the success of the motion of which I gave notice with reference to the Bill before us, I am equally confident that her Majesty's Government will find themselves compelled to withdraw these instructions. I say, that these instructions ought not to be maintained; I say, they cannot be maintained. If you wish for conciliation in Canada, you will not maintain instructions directing the Governor General to select three members from the Legislative Council of Upper Canada, and to invite the House of Assembly of Upper Canada to nominate ten of its members, — not for the purpose of giving the Governor advice with respect to the affairs of Upper Canada, but for the purpose of uniting with individuals selected from the Legislative Council of Lower Canada, and elected by the constituent body of the Legislative Assembly of Lower Canada, to consider, among other matters, "the provision that should be made to meet the necessary expenses of the civil government in Lower Canada, the state of the law affecting the tenure of landed property in that province, and the establishment of a court for the trial of appeals and impeachments."

All these topics, be it observed, are exclusively interesting to Lower Canada. Why introduce into the committee of advice thirteen persons from Upper Canada, whose very presence may possible excite irritation? I ask any reasonable man whether such an instruction as this is not, at least, more than necessary? If the Noble Earl should arrive in the colony in May, he will be the best judge of what, in the existing state of the position of the colony and the feelings of the people, it may be expedient for him to do. Would it not be a wiser course to leave the Noble Lord to his own discretion, instead of saying to him, "If you call a committee of advice, it shall consist of such and such persons; and, although the subjects on which the advice of the committee is to be given concern exclusively Lower Canada, thirteen of the members of the committee must be Upper Canadians"? Sir, after the challenge of the Noble Lord to state my opinion of these instructions, it would have been uncandid and dishonest on my part had I abstained from doing so; and had I abstained from declaring that I consider the manner in which her Majesty's Government propose to proceed calculated to rouse opposition to their own measures, and to obstruct what may perhaps be found to be a very desirable object, the union of Upper and Lower Canada. On that ground, Sir, I object to her Majesty's Government making known their instructions to Lord Durham. But why have they done so? If they had adhered to the proper and constitutional course, they would not have communicated his instructions to the Noble Lord until he was ready to sail. But they found it necessary to publish these premature instructions for the purpose of propping up their abominable preamble. This has driven them to the melancholy expedient of giving the Governor General of a colony his instructions three months before the period of his sailing. But I tell them, with the same confidence with which I predicted the success of my amendments to the Bill, that they will be obliged to repeal their instructions. To those instructions, however, I totally disclaim making any allusion, otherwise than as stating my private opinion respecting them. Sir, I might urge other reasons for condemning those instructions. I am not willing that Parliament should part with the power or the means of entering more deeply into the question of our North American provinces. We may find it necessary to institute an inquiry at the bar of this House into circumstances connected with those provinces. It is possible that we may consider it advisable to unite the provinces of New Brunswick, Nova Scotia, Cape Breton, and Prince Edward's Island with the two Canadas,—each province having a domestic government, but all externally pursuing a common interest, and prepared to defend that interest when involved in difficulty and exposed to danger. If this could be accomplished,—if the time should come when the plan that I have hinted at may be carried into effect,—I can easily conceive that great advantages would be the result. Those colonies have, for many years, been the outlet of the superabundant population of this country,—a population carrying with them reminiscences of old England that must occasionally break out in the expression of feeling; and which, in spite of the French Canadians, and in spite of the neighbouring democratic states, would, in all probability, in the hour of danger to that mother country whose language they speak and whose institutions they admire, induce them to rally round our standard, and to share the difficulties and perils of foreign war. Let us not, then, tie up the hands of Parliament from entering into any investigation from which such beneficial results may, at some future period, be derivable; and, for that reason, I am unwilling to confine the considerations connected with this subject merely to the union of the two Canadas. Notwithstanding the comparative weakness of our other North American colonies, their union would add to the strength of each, and would tend to elevate them in the scale of civilisation. I will not abandon the hope that such a union may some day be formed; and, to facilitate its formation, I would fortify the British interests in Canada, leaving the full possession of their rights on the one side, but retaining in our own hands the means of providing for the good government of the province.

Mr. ELLICE.—I do not rise to answer the Right Honourable Baronet, but to express my thanks to my Noble Friend for his concession, in withdrawing that part of the preamble of the Bill to which the Right Honourable Baronet objects; and to state my conviction that that concession will produce a most beneficial effect, in an almost unanimous vote in favour of the principle of this Bill that will result from it. As I stated last night, so I say now, that I see no difference in point of principle between my Noble Friend below me (Lord John Russell) and the Right Honourable Baronet opposite (Sir R. Peel). Both parties agree, that to the Noble Earl to whom is to be entrusted the arduous task of reconciling the differences in Lower Canada, and establishing a free and liberal government, the utmost latitude as to the means of obtaining the best information of the general feelings and wishes of the people of the colony should be allowed. Knowing that there was this agreement on the subject between the two great parties in this House, I did anticipate that the question might be determined without having recourse to any division. In the opinions which have been stated to-night by my Noble Friend below me I fully concur. I should be the last man in the world to advocate any attempt to settle the constitution of Canada not founded on a determination to respect and protect all the rights, privileges, and liberties of the people. I perfectly agree, also, with the Right Honourable Baronet, that every right which they possess by capitulation, or by treaty, or with reference to the principles of justice, should be secured to the French Canadians. All that we have to do is to proceed upon that principle. I care little about the fate of the preamble which has been given to the Bill, neither do I feel disposed to enter into the details of the instructions which the Ministers of the Crown have thought fit to give to their representative upon their own responsibility. I might possibly agree more with the Right Honourable Baronet (Sir R. Peel) than with her Majesty's Ministers. There is no reason why I should not state fairly to the House that I have been opposed to the preamble from the very first. I have never concealed my opposition to it. Her Majesty's Ministers were fully aware of my feelings upon this subject long before my declaration of last evening.

I agree with the Right Honourable Baronet more than with her Majesty's Ministers upon this point, that it would have been better to have introduced the Bill with a simple statement of the principles upon which it was founded, and the objects which it had in view; and then for the Noble Earl to have asked his friends for that confidence which every Government has a right to expect as regards the giving sufficient instructions to the representative whom they shall choose to carry into effect their own measures. It is true that my Honourable Friend the Member for Sheffield, in proffering his support to the Bill, or rather in stating the reasons why he should not oppose it, said that he did so with the fullest confidence in the principles set forth in the preamble; and the Honourable Member for Finsbury stated that the only part of the Bill which he approved of was that which declared that the Canadians should be consulted with respect to the nature of the free constitution which they were to receive. Now, I am of the same opinion — that is the only part of the proceeding which I like. I would not vote for a measure of coercion unless I entertained the fullest confidence in the Government who introduced it; I would not vote for it unless I felt satisfied that it was intended to have only a temporary operation, and that the suspended rights and liberties of the Canadian people would be restored at the earliest possible period that the wellbeing and peace of the country would permit. If it could be supposed that any part of that principle were to be abandoned in consequence of the abandonment of the preamble, I am not prepared to say that I could have supported the proposition of the Right Honourable Baronet; but, as I said last night, I foresaw from the first that we were all agreed as to the principle upon which we ought to proceed.

With respect to the future prospects of these extensive colonies, and to the possibility of ultimately uniting them, under the protection of this country, I must say, that I fully coincide in the views and opinions expressed by the Right Honourable Baronet. But at the present moment, in the present excited state of feeling in the colonies, I think it would be unwise, and possibly dangerous, to instruct the Earl of Durham to call a convention of the several states to discuss that topic. To propose an union of all the British North American provinces at the present moment, would perhaps be the most inflammable topic that could be introduced. It has always been my opinion that there would be great difficulty in bringing such a measure about on account of the different feelings, different laws, and different interests, which exist in the different provinces; and there are at this time other feelings, arising out of the late unhappy conflict, which would render any proposition for effecting an union of all the provinces unadvisable without further and most mature consideration. But though it may be impossible to accomplish so desirable an object at the present moment, I fully agree with the Right Honourable Baronet that we should look forward to such an union of our colonies in North America, upon the principle of uniting them to us. If, however, we cannot unite them to us for good, then I say it would be better to abandon them altogether. I am confident, from all I know of the feelings of the people, that by conciliation on the spot — by consulting the various interests of the colonies — by bringing the people together upon principles on which they do not differ so much as upon their particular prejudices and on the feelings of the moment, — I am convinced that much might be done towards that end; and I am sure that such a foundation might now be laid as would secure, at no distant day, the full attainment of it. As I stated last night, I wish to abstain entirely from any expression of party feelings. I cannot discuss this question as a party question. It is too vitally important to be regarded or debated as a party question. I am sure that the Right Honourable Baronet (Sir R. Peel) will give me credit for the tone and manner in which I have spoken upon the subject. I rejoice that my Noble Friend has acted upon the advice which I ventured to give him last evening, and has reconsidered the preamble. I rejoice, too, at the course which my Noble Friend, in consequence of that reconsideration, has determined to adopt. I foresaw from the first, that, if the Government were to retain the preamble, they would be open to all sorts of misconstruction in the minds of the Canadians.

Deeply interested as I am in the question, having for many years devoted myself very much to the affairs of Canada, I cannot now abstain from congratulating the House and the country that there is a prospect of their coming to a nearly unanimous opinion upon the measure before them. With respect to my Noble Friend (Lord J. Russell) below me, I must observe, that I know him to be so utterly incapable of propounding anything to this House which could have the effect of permanently restraining the constitutional rights of any part of the empire, that he should have had my full confidence and full support to the Bill upon his own character alone, if he had chosen to ask me for it on that ground. I beg to repeat, that I have involved myself in this discussion most unwillingly. I had privately determined to abstain from taking any part in the debates upon the question from the beginning to the end. I have been led to depart from that intention last evening, from the hope that I might induce the House to abandon all feelings of party upon the question, and to come to an unanimous, or a nearly unanimous, vote. I wish, however, as I came quite unprepared last night, and as I believe some of my observations, from the imperfect manner in which they were expressed, were not very clearly understood, to correct an error which appeared in the report of one of the newspapers. In speaking of the conduct of the American Government I said — and I hope I am in the recollection of the House upon that point — that I thought the conduct of that country in this crisis of the affairs of our colonies had been most generous and most friendly; whereas it is reported that I said that they were on the watch to take advantage of the difficulties in which the mother country might be involved.

From the confused manner in which I expressed my opinions last evening, I am not surprised that this misconception should have taken place; but I am well assured, from personal knowledge upon the subject, that the most friendly and amicable feeling is entertained by America towards this country. I should, therefore, be shocked to have it supposed that I had declared such an opinion as that attributed to me in the report. Whatever former feelings, arising out of old and unhappy differences, may have been, I believe that throughout the whole of America there now prevails but one common sentiment, namely, that what we call the Anglo-Saxon race may remain united in all countries in which it has established itself, under the same principles of liberty and freedom as were asserted and maintained by our forefathers. I believe that the measures taken two years since by my Noble Friend to prevent a quarrel between France and America, and the recent conduct of the general government of the United States, as well as the provincial governments of the two states of New York and Vermont, verging upon the British frontier, are likely to do more to promote the good understanding which already exists between England and America, than any advantage that could arise to either from their commercial intercourse with each other, or from any other cause. I can state, from personal knowledge, that an effect was produced by the interference of the English to prevent the quarrel between France and America, which will never be forgotten in the latter country; and I am sure that in England the kind and liberal conduct of America in this crisis of the affairs of the colonies ought to take an equally tenacious hold of our memories. So far from the United States feeling an interest in these dissensions, or desiring to take advantage of them, I am persuaded that the general feeling in that country has been to give every assistance it could to restore peace and tranquillity to the disturbed districts of the British possessions. I am also persuaded that the opinions expressed by some gentlemen in this House with respect to the manner in which the British colonies have been governed, are not participated in by any portion of the respectable population of the United States. I believe that a general feeling prevails throughout the whole of America, that the conduct of England towards her North American possessions has been mild, unselfish (if such an expression may be used in reference to the conduct of a nation), and solely directed to the benefit and advantage of the colonies. Who can doubt, indeed, that the connection between Canada and England is ten times more beneficial to the colony than to the parent state? And whenever peace shall be restored, after the sad interruption it has received, I feel satisfied that one of the best means by which England can seek to reconcile the Canadian people, and to bring them to a speedy adjustment of all differences, will be to detail the advantages which they derive from our connection, rather than by pressing upon them our desire to govern them for some purpose of our own. I have nothing more to say upon the subject, except that I congratulate the House, most sincerely, upon the result at which it has arrived.

I hope that my Noble Friend, in abandoning those words of the preamble, will not subject himself to any expression or any feeling of party triumph. But if such an ungenerous and unworthy feeling should for a moment be entertained or expressed, my Noble Friend may console himself with this reflection, — that in taking a step which will tend to secure an almost unanimous vote upon the measure before the House, he has done more towards a reconciliation with the colonies, and to the establishment of a good and proper feeling in them, than it would be possible for any Minister to effect by other means. Whilst such a reflection is open to him, my Noble Friend may well console himself for any little expressions of party triumph in which his adversaries may choose to indulge.

Mr. D. W. HARVEY. — Having expressed no opinion upon this interesting and momentous subject out of the walls of Parliament, and having had no opportunity of giving an opinion upon it within them, I own I was anxious, and at length, to trespass upon the attention of the House, in stating the reasons which induced me, upon a recent occasion, to vote against the second reading of this Bill; but I shall relieve the House, at this moment, from the apprehension that I am about to do so, because I cannot rise to speak to a Bill of the contents of which I know nothing. The Bill, upon which we have had a debate for the last week,—the Bill, framed with so much care and so much legal judgment, — brought forward after long and anxious consultation, with the sanction of the highest legal authority,—was naturally presented to our attention as being perfect in all its parts, having no ambiguity in its object, no undue verbosity in its expressions. And yet, so true is it in legislation, as in the higher interests of human affairs, "we know not what an hour may bring forth,"— that in the short interval of four and twenty hours this Bill, so perfect and mature, has been decapitated, and lost its tail. I hope, then, I shall be excused if I reserve any remarks I may have to make until the period when, peradventure, we may be led to hope the Bill will be perfection itself, that is to say, when it shall be submitted to the House for the third time. But I still hope, that the conversation which we have had this evening — by far the most valuable of all the discussions we have had upon this subject — will not be allowed to pass away as a shadow, and to leave no effect upon us. I hope we may be allowed to implore the leader of the powerful party who range themselves upon the Opposition benches, to throw aside the sin which besets him, of being the leader of that party, and that he will hereafter continue in his course of welldoing, to counsel the Cabinet — to throw around it the shield of his protection — and to spare her Majesty's Ministers and the nation from the evils which otherwise beset them. The course which the Right Honourable Baronet has recently pursued reminds me of the practice in a lawyer's office when I was a lad. When a draft was first prepared it was submitted to some subordinate member of the profession — generally to somebody under the bar, who had his small fee and advised upon it; but when, in a subsequent stage, it came to be more seriously and gravely considered, it was sent to some master mind — to the very highest in the profession — who perused the deed, and finally determined the terms of it. Now, it would seem that, although we have a Cabinet of small men, who consider and put together their crude notions and thoughts, they are obliged, after they have thrown them into the form of a draft, to send it for revisal to the leader of the Opposition. And what a splendid instance of disinterestedness is here offered by the leader of the Opposition, who, while he gives all his important advice gratis, allows the little people to take all the fees! This is, in many respects, full of consolation. It will greatly tend to dispel those ungenerous imputations which have been very unsparingly cast upon the conduct and sentiments of many Gentlemen in this House. Because, although I do not hesitate to say that, in some material respects, I differ from those Honourable Gentlemen with whom I concurred in opposing the second reading of this Bill,—although I am far from considering that our colonial possessions ought to be lightly treated, or slightly considered of, — yet it is not to be forgotten that nearly all those sentiments and suggestions which have since been popularised, inasmuch as that they have been taken up by the Honourable Gentlemen opposite, were thrown out, in the first instance, by the Gentlemen to whom I allude, and upon whom so many ungenerous and injurious imputations have been cast.

The Right Honourable Baronet mentions it as a matter of imputation upon the Government, that when they sent forth arbitrary resolutions which have been the cause of all the mischief in Canada, — but which were so vehemently and almost universally supported in this House, — they did not, at the same time, make a sufficient demonstration of military force, which, said the Right Honourable Baronet, would have protected the colonies from the frightful scenes of devastation which have been exhibited in them. But let it not be forgotten, that all the Gentlemen who resisted those resolutions — though they did not admonish the Government to send out a strong military force — yet distinctly foretold that, if they were passed, they could only be sustained and carried into operation by the aid of an increased military power. Then, are Gentlemen who are few in number, and who may labour under the reproach of being too philosophical in their views, to be treated as nought, because they have not a powerful party behind them to vociferate every sentence, to turn every period, and to give importance to suggestions which have no inherent weight or value in themselves? The Right Honourable Gentleman the Member for Coventry (Mr. Ellice) has, I own, sprung a mine tending much to disperse the clouds which have hitherto hung around this question. He has expressed a hope that the House will come to an unanimous vote upon this subject. I agree with him in the vast importance which must be attached to the Bill's receiving the unanimous support of the House; and, after the discussion of to-night, I think that prospect is not entirely hopeless. In the present distracted state of parties in Canada, — the one party struggling for popular rights, the other endeavouring to sustain prerogative, — it is very possible that there may be no other means of controlling these rivals than by extinguishing both; but, before I resort to a measure so despotic, I must be assured that there are no other means by which it may be possible for me to attain the end I have in view. It has, therefore, from the beginning of the discussions upon this subject, appeared to me, that whilst I should be most prompt to confer these great and responsible powers upon the Noble Earl, who has, I think, been most happily selected by her Majesty's Government, — cheering, as he does, the friends of freedom wherever he goes, — I should, at the same time, be little disposed to fetter him in the exercise of the mighty authority with which he is clothed. Why should he be curbed or fettered? Are the Government disposed to give him the vast authority with which they vest him under suspicion? If not, let him go forth, armed with this Bill, and let it contain a provision that shall enable him, in all respects, to act as, in his judgment, he shall deem wisest and best.

I have read—and I hope every Gentleman whom I now address has done the same — the whole of the papers which have been produced upon this subject. For one, I can say that there is not a Report, nor a particle of the testimony from any witness examined before any of the committees which have met upon the subject, nor a line of the correspondence which has taken place between the Colonial Secretary and the different Governors of the provinces, from the year 1828 down to the present moment, which I have not carefully perused; and I own it strikes me that there is every reason to hope, — and recent circumstances tend to confirm that hope, — that if Lord Durham, armed with the present Bill, were allowed to dissolve the present Assembly in Lower Canada and to convene another, he would find that Assembly scarcely less devoted to British interests, — scarcely less inclined to follow out desirable objects than this House itself. The improving spirit of the House of Assembly, even with M. Papineau as its Speaker, must have struck every one who has read with attention the despatches from Lord Gosford. Let me mention an instance. M. Papineau was Speaker of the House — and it is important to bear that fact in mind —when an address was proposed to the Assembly condemnatory of the policy of this country. An amendment was moved by one of the opposite party, and what was the division? Notwithstanding the fact of Papineau being Speaker, — and we all know the merited weight which a Speaker's opinion has in all assemblies of this description, — notwithstanding the fact of that individual throwing the whole of his weight and influence on the side of the address, when the Assembly came to divide upon the question the numbers were, forty-eight for the original motion, and thirty-two for the amendment. This is sufficient to show that there was, at that time, a strong British feeling in the House of Assembly. The disparity of numbers between forty-eight and thirty-two was not so great as to show an overwhelming influence on one side. It scarcely amounted to more than a government majority in any assembly; and Lord Gosford, in several of his despatches, distinctly intimates his belief that the time will come when the Assembly may be successfully appealed to. Why, then, should not the representatives of this interesting people be at once consulted?

There is another point growing out of the conversation of this evening, — for it can hardly be called a debate, — which provokes the consideration of the House. It is this. For what purpose are the instructions (or extracts from them) which have been given by Lord Glenelg to Lord Durham placed upon the table of this House? Are they to be dealt with by us? or are they to remain here for the artful and subtle purpose, if the necessity should hereafter arise, of leading the world to suppose that they were sanctioned by the House of Commons? On this point I differ from the Right Honourable Baronet opposite (Sir Robert Peel), and the Right Honourable Baronet will pardon me for saying, that it was not befitting the high station which he holds both in this House and in the country, upon a question like this, when all the elements of party ought to be hushed in one common struggle to carry out one great object,— to say, on the one hand, that he would have nothing to do with those instructions, that they were mere waste paper; and, at the same time, to give a powerful adverse criticism upon them, which will go across the ocean and influence an impression that the sense of the House had been taken upon them. In my opinion those instructions ought to be retracted altogether, or that the sense of the House should be formally taken upon them. When I look at those instructions, and see their despotic character, I cannot but think it mean and despicable first to tell the Noble Lord intrusted with this important mission to take a flight to the regions of liberty, and at the same time to clip his wings; to say that the Noble Lord is to go forth with enviable powers to give a free constitution to that country which it deserves, — a country which knows, feels, and estimates the value of freedom, — and, at the same time, to restrain him from doing that which, before the Noble Lord has been twenty-four hours there, will strike him as the very first thing he ought to do. Let the House bear in mind its own resolution, namely, that it is inexpedient that the Council should be elective. Now, Lord Gosford says differently, and states distinctly that the Council ought to be elective. Look at the evidence given by every gentleman who has been examined before committees of this House, and it will be seen they all have given it as their opinion that that branch of the legislative power requires serious control and revision; so that the Noble Lord about to go out to Canada will be empowered to do anything and everything, except that very thing which, past doubt, will be the best. It is not treating either Lord Durham, the Government, or the Canadians fairly to confine the new Governor by these instructions, and to pass them off as waste paper; and I trust the Right Honourable Baronet opposite will yet press the Government upon them; for, notwithstanding the taunt which has been thrown out that those who pretend to be the friends of liberty are giving their countenance to the despotic plan of the Government, I am satisfied that if the Right Honourable Baronet were to bring forward a motion that would effect the retractation, or elicit an explanation of those instructions, he would find that calumniated party, though few in number, would give him support as strenuous and as sincere as those by whom he is now surrounded.

LORD VISCOUNT HOWICK.—The Honourable Gentleman who has just sat down has not failed to avail himself of the opportunity which he thought was afforded to him by my Noble Friend's concessions, to endeavour to throw ridicule upon the Government; but I assure him, and I assure the House, that, although his wit was directed against ourselves, I, at least, was not prevented from enjoying it; because I felt that his sneers and taunts were not deserved; and even if they had been deserved, I know that my Noble Friend—and I entirely concur in his feeling—will never be deterred by any sneers, or by any taunts, from taking that course which he may think his duty to the Crown and to the country demands. I say, however, that these taunts and sneers are not deserved. I say that, although we did assent, for the reasons so well stated by my Noble Friend, to the alteration in the preamble of the Bill which was proposed by the Right Honourable Baronet (Sir R. Peel), we, in no one respect or particular, deviate from the policy which dictated that preamble, nor, in any respect, propose a change in the line of conduct which we had previously determined to adopt with respect to this momentous question. The Right Honourable Baronet has stated, in very strong language, his condemnation of the course which we have pursued in presenting these instructions to the House, and also his opinion condemning the substance and the nature of those instructions. Upon these two points, avoiding, as far as I can, entering upon other topics which have been so fully discussed by the House, I am anxious to offer a very few words. With respect to the production of the instructions, I think that that course of proceeding was justified by these considerations; that the present state of Canada making it our painful duty to propose the suspension of the power now possessed by the representatives of the inhabitants of the colony, we were compelled to recommend to the House that it should invest the Governor General, now about to proceed to the colony, with powers of the most arbitrary, and I believe most unprecedented, description. I do not think, considering how long the disputes in Canada have been going on,—how many professions have been made by different governments, entertaining different opinions, of a desire to redress the grievances complained of by the Canadians,—considering all these circumstances, I do not think it would have been fit or proper to have called upon this House to consent to a measure of such coercion as this, unless we had been able, at the same time, to give some account of the means by which we might, at no very distant period, be enabled to return to a more constitutional form of government.

I feel this,—that, if I had not the honour of being one of the Government of her Majesty,—if I had merely a seat in this House as an independent Member of Parliament,—and if I were called upon simply and shortly to suspend the constitutional privileges of the Canadas,—to that proposition, even though it were brought forward by a Government in which I had the strongest and the best-founded confidence, I, for one, could not assent. I judged, then, of the opinions of others by my own. I say that it was not only necessary to show to Parliament that the present constitution of Canada, in the present unhappy condition of that province, could not be made to work advantageously; but it was further necessary to show that, in suspending that constitution, to enable us to meet the exigency of the moment, we had a hope, at no distant period, of returning to a constitutional form of government. Because I agree with the Right Honourable Baronet, that if that hope had not existed,—if I thought that the great body of the Canadian people were entirely alienated from this country,—I should say that the only question for us to consider would be, how a final separation could be effected in the manner most beneficial to the interests of the British settlers in the province. When I look to the numbers of the inhabitants of Canada,—to its separation by the ocean from this country,—to the annual interruption, at certain periods of the year, of all direct communication with Great Britain,—to the proximity of Canada to the United States,—I feel convinced, that any attempt to keep the Canadian people in a state of unwilling subjection to England would be full of danger and full of evil to all parties. I believe that, to maintain our authority against the will of the great body of the people, we should be driven to acts of harshness, to acts of oppression, which would lower the high character of this country to the level of those powers whose oppressive proceedings so often form the subject of deprecation in this House. I believe that such a mode of proceeding would create a constant chance of endangering a war; and, when war should have arrived, would, in all probability, be productive of the greatest calamities. Upon thus looking at this subject, it must be obvious that it is not only necessary that we should conciliate the greater body of the Canadians to our rule, but it is necessary to do this to that degree that shall gain their affections, so that they may be induced to return, as their representatives, those who would concur with us in carrying on the government of the province according to the forms of a free constitution. In the next place, I am induced to differ from the Right Honourable Baronet, and also from my Right Honourable Friend the Member for Coventry, of whose very able speech last night in general I approve,—I am induced, I say, to differ from them in this particular,—namely, in the opinion they have expressed, that, had the Act of 1831 been passed in a different form,—had it been passed in the form proposed by the previous Government,—that is, by first assigning a Civil List to the government of the colony,—those dangers and difficulties we have since experienced would not have arisen.

SIR ROBERT PEEL.—I did not express any such opinion.

LORD HOWICK.—I beg the Right Honourable Baronet's pardon. I understood him to have objected to our surrendering the revenues imposed by the Act of 1774, without having previously obtained a Civil List.

SIR ROBERT PEEL.—It was the Right Honourable Gentleman the Member for Coventry who made that observation.

LORD HOWICK.—I am aware that my Right Honourable Friend did go at some length into that subject, and I also thought the Right Honourable Baronet did so; but I have certainly misunderstood him, and I beg the Right Honourable Baronet's pardon. Upon that subject, however, I will make this remark,—that I do not understand how the difficulties of our present situation could have been avoided by any line of policy which would not have led to an accommodation between the House of Assembly and the executive authority. I believe that in any country existing under the form of a representative government, where there is a permanent and determined hostility between the representatives of the people and the executive authority, such a state of things must, sooner or later, lead to a result similar to that which we have lately unfortunately witnessed. I believe that the representatives of the people must have so much power put into their hands, that if they are not reconciled to the authority of the Government, they must necessarily and inevitably drive that Government to overstep the acknowledged privileges and rights of the representative body. And when that state of things arises, the representative body, if fairly elected by the great body of the population, will be supported in its rights, and will be supported even so far as to the extent of having recourse to force by the body whom it represents. Then, Sir, I say the problem which is to be solved, if we are to retain possession of Canada, is this,—how are we to reconquer, not merely the country, but the affections and hearts of the people; the affections and confidence of the people to this extent,—that their representatives in Parliament shall concur with us in carrying on the government? That, I say, is the problem which is to be solved, and, in my opinion, it is one which, in the present state of Lower Canada, is certainly of great difficulty; but I do not believe it to be impossible. When we look at the interests of all parties, when, particularly, we look at the interests of that party by which the majority of the House of Assembly has been supported, we cannot help being impressed with the conviction that, to them more than to ourselves, the connection between the two countries is of the greatest possible importance. If their peculiar laws and manners be the objects for which they are contending, no man, certainly, can doubt that if the protection of this country were withdrawn, surrounded as they are by a large population of a different race, a change far more violent, more sudden, and more sweeping than that which is now proposed, would most inevitably be visited upon them. When we look, again, at their commercial advantages, resulting from the preference given to their timber trade by us, I cannot help thinking that those advantages are far beyond any which this country can derive from the connection. Nor, Sir, do I see, in late years, any proof that the Canadian people, or even a majority of those who have taken an active part in the unfortunate disturbances of Lower Canada, are insensible to those advantages. We know that a little more than twenty years ago, the Canadian people did give the strongest and most undoubted proof of their loyalty to this country. I see no proof that these feelings are changed; although the majority of the House of Assembly have, by means certainly most injudicious and faulty, insisted upon accomplishing many alterations and many changes,—some of them undoubtedly indefensible. At the same time, no man in this House has attempted to deny that the conduct of the House of Assembly was justified in the earlier stages of this controversy by the real grievances they sustained. A great proportion of those grievances has been redressed: but even still it is not denied that further reforms in that country are required. Upon the most important topic of all, that which has been the ostensible cause of the rupture which has taken place between the House of Assembly and the mother country,— I mean the state of the Legislative Council itself,— upon that very point, — though that some reform is necessary, has been admitted,—I think that the House of Assembly have demanded a description of reform which, if conceded, would be most mischievous and most injurious.

But the commissioners whom we sent out to inquire into the state of Lower Canada, and the Honourable and Learned Gentleman in the very able speech which he made a few evenings ago, and the resolutions which both Houses of Parliament have adopted, — all these authorities have established the fact that, even with respect to the Legislative Council, some reform is required. Unhappily, the House of Assembly, instead of allowing the possibility of effecting such a reform to be fairly and temperately discussed,— instead of allowing us time, after having received information upon the subject, to consider in what manner that reform might be effected, — did themselves make certain propositions for accomplishing it, and insisted upon the adoption of one particular plan, to which just objections were urged by a large part of the population of the country; and that particular plan being rejected, they proceeded at once to the extreme course of depriving the Government of the pecuniary means of administering the affairs of the colony. Such has been the cause of the unhappy result that has been experienced. But, for my part, I am willing to believe that, even to the last, separation from this country was not the object of any considerable number of persons in that colony. I firmly believe that they have been led on from one step to another, not very accurately considering what were the meaning and tendency of the measures they were adopting, hoping, possibly, to intimidate their opponents into compliance with their demands, and acting upon that feeling of excitement, which is, perhaps, constitutional in the race to which they belong. I believe they have gone on in this manner till they produced a state of things in which any spark might, as it did, produce a conflagration. I am convinced that it is much better that we should attribute their conduct to this cause. I am convinced that it is the wiser course to act upon that assumption. If we were to treat the Canadians as we should treat them under the assumption that a great body of the people were disaffected, my opinion is, that such a course of government would very speedily engender that hostility which the existence of a state of real disaffection implies.

Perhaps, it may be asked — indeed, the Honourable and Learned Member who has just sat down has asked, if this is the case,—if there still exist grievances, why do you proceed at once to such measures as you now recommend to the House? Why not rather attempt to redress those grievances, and effect those improvements in the constitution of Canada which you admit may be requisite? In answer to the Honourable and Learned Gentleman, I have to observe, that, unhappily, there has been in Canada, not merely a controversy between the Executive Government and the representative body, but there have been great differences and great animosities between different classes of the population: partial measures, therefore, would now do no good. If we attempted to satisfy one class, we should only exasperate the other. For the well-working of a constitutional government, it is necessary not only that there should be harmony between the representative body and the executive authority, but it is further necessary, that the different classes of the community should be prevailed upon — I do not say to lay aside their party differences, because, in every free government party differences, I believe, must and will prevail; but to have some degree of tolerance for each other, and allow their differences to be decided, and their disputes to be carried on by peaceable and constitutional means. This is necessary with a view to the working of a free constitution. It is therefore, requisite, not merely that we should do that which is just towards one party in Canada, but that we should so frame our measures, that they should obtain the acquiescence of the great body of both divisions of the population. I do not believe that it is by any means impossible to arrive at that acquiescence. If we look at the demands of both parties, we shall find that there is in what both of them have asked much that is reasonable, and also much that is unreasonable. The English party, on their side, have, in the first place, complained, and loudly complained, of the spirit of the legislative measures adopted by the House of Assembly on all matters of a commercial nature. They have said, justly or unjustly, that the majority of the Assembly has been indifferent to the interests of commerce, and to the development of the natural resources of the country. They have said, likewise, that the present state of the representation of the province is one by which they are subjected to unfair legislation, and they demand that the mode of constituting the House of Assembly should be changed. They further demand relief from the oppression of the feudal tenures, and greater security and facility with respect to the transfer of landed property. They lastly demand — and this, perhaps, is one of the most important items of the whole list — that the chief officers of the Government, and more especially the judges, should be rendered independent of a popular assembly, by having granted to them fixed and permanent salaries. On the other hand, the majority of the House of Assembly have insisted upon a great and extensive change in the constitution both of the Executive and Legislative Councils. They have demanded that the Government and the public servants should be made directly responsible to the House of Assembly. They have demanded that the whole revenue of the province should be appropriated by the House of Assembly; they have also demanded the repeal of certain Acts of Parliament, together with various other matters.

Sir, I confess that, upon calmly looking at the substance and nature of these various demands, it forcibly strikes me that there is nothing on either side which should preclude the hope of their being so modified, by means of friendly discussion and impartial consideration that they might be settled with the concurrence of both parties. For instance, with respect to the measures of legislation adopted by the colonial Legislature in reference to the interests of commerce, it appears to me, that some change is absolutely called for both by the Lower and Upper provinces. Honourable Members are aware that a petition was presented to this House, and that a joint address from the House of Assembly and the Legislative Council of Upper Canada was presented to the Crown, complaining of the difficulties imposed upon them in consequence of the want of free access to the ocean; and in a subsequent address, that province proposed, by way of remedying the evil, that the island of Montreal should be annexed to the Upper province. The Right Honourable Gentleman, last night, suggested the union of the two provinces. Both those measures might be justly objectionable to the party which have composed the majority of the House of Assembly in Lower Canada; but I, for one, believe that much could be done to facilitate the future settlement of the difficulties in Lower Canada, and much to promote the interests of both provinces, if from the two Legislatures, leaving to each of them separate authority on all matters of purely domestic concern, some joint authority could be formed for the purpose of regulating all those matters in which they take a joint interest. The Right Honourable Baronet has said, that he himself is not indisposed to some measure of that sort; and he thinks that some such union might be highly desirable, but that it should comprise all our American provinces, — at least, that it should not exclude the other provinces from it. I entirely concur with the Right Honourable Baronet in that opinion. I would upon no account prevent our other American provinces from being included in such an arrangement, but the immediate pressure of existing difficulties is, as regards Upper and Lower Canada only. The Act of 1791 applies only to Upper and Lower Canada; and any changes which are to take place in that Act seem to me, therefore, a subject calling for the peculiar consideration of those who are interested in those two provinces. In the same manner, with respect to reforming the Legislative Council also, I do believe that the House of Assembly, itself, might be made to see the inconvenience and disadvantage which would result from creating a second body that would be the mere echo of the Assembly, and the members of which would probably be running a race for popularity with the House of Assembly itself. But I do, at the same time, believe, that a very extensive reform in that part of the Canadian constitution is requisite; and I believe, also, that if this part of the constitution, and also the state of representation, as affecting the interests of the English inhabitants of the province, were considered together, a fair settlement upon those subjects would be likewise practicable.

In like manner, with regard to the responsibility of the public servants of the province to the House of Assembly, I am of opinion that an arrangement might be accomplished. The Honourable Member for Bridport last night argued, at great length, that this was a point which the House of Assembly had earnestly insisted upon, and the granting of which was the only means through which they could hereafter ask for a separation from the mother country safe and advantageous to themselves. I am very far from concurring in that opinion. The Honourable Member must be aware that this is a demand on the part of the House of Assembly only very recently preferred. I believe that the Canadian people and the House of Assembly might be very easily reconciled to the difference existing between the responsibility of the colonial Government and that responsibility of the Imperial Government, which a colonial relation necessarily implies. If the Governor is to be responsible to Parliament and to this House, it is impossible that the officers who serve under him should also be responsible, as the Ministers of the Crown, in this country, are to the Imperial Legislature; because responsibility necessarily implies power, and if the Governor is not to have a greater measure of authority than is vested in persons acting in the capacity of government officers, and if a greater personal responsibility is not to attach to him, the whole notion of a colonial administration must be destroyed. Such a system would be entirely irreconcileable with the idea of the proper relation between a colony and the mother country. But on the other hand, the responsibility of the servants of the Crown, as it exists in this country, may be attained, and as practically attained, in the colonies, by another mode. It is true that the public officers who are under the orders of the Governor are not immediately responsible to the Legislature, but the Governor is responsible to the Crown and to Parliament for his acts; and if the Governor should pursue a course of government in a manner not in accordance with the feelings of the great body of the people, they have their appeal not against his subordinates, but against him, by an address to the Crown, and by a petition to the Imperial Parliament. Neither the Crown nor the Parliament has shown itself indisposed to entertain such an appeal by the Canadian people; that appeal is what the House of Assembly really demands, and what the House of Assembly of the other province also really requires, although great disputes and much bad feeling have been excited by confining ourselves to questions of mere locality in this discussion. I believe what they really want is security for good government. That which they ask is attainable by the means I have already stated,— and by erecting, what all parties have admitted to be necessary, a court in Canada for the impeachment and trial, for misconduct, of all public officers subordinate to the Governor. For positive misconduct and malversation in office, there ought to be some tribunal in Canada before which the public servants might be impeached. In the same manner, I do believe that the dispute which has run so high about English and French law, with respect to landed property and feudal tenures, might be arranged. I believe that this dispute is mainly attributable to the general language that has been used. I believe that the English inhabitants have felt, and seriously do feel, that there is fault in the French system of law; but I believe, on the other hand, — indeed, it was admitted, last night, by my Right Honourable Friend the Member for Coventry — that the violent, sweeping, and rough changes made by the Feudal Tenures' Act have occasioned very considerable suffering to the French inhabitants of the colony; and I feel firmly persuaded, that if instead of clamouring on the one side for English law, and on the other side for French law, the two parties would combine and endeavour to concur in adopting some system which will secure the merits and advantages of both laws, providing a simple method for ascertaining to whom landed property belongs, and a cheap and expeditious mode of effecting the transfer of that property, no repugnance will be felt either on the part of the French or the English Canadians.

Again, with respect to the Civil List and the surrender of the revenues, I think, in spite of all that has taken place,—in spite of all the disputes that have arisen as to whether the House of Assembly has fully acted up to what was expected from them when the Act of 1831 was passed,— there would be no real indisposition on either side to provide and enact permanent and fixed salaries for the chief officers of the Government, and to give up the remainder of the revenues to the Canadian Legislature. Upon looking back to the history of these transactions, I think I can see the causes of the failure of the Act of 1831. I believe there was a misunderstanding on both sides as to what was really intended at that time. If, then, Sir, these apparently conflicting interests do admit of a compromise,—and I think such a compromise might be effected,—is it not most desirable that such a course of policy should be adopted? I have, perhaps, gone more minutely into these points than some Honourable Genmen may conceive to be necessary; but I have considered it right to do so, because, in my humble opinion, we are only justified in passing this Bill upon the conviction that there are good grounds for hoping to arrive at that compromise. I have gone into these particulars in order to show that there is nothing irreconcileable in them with practical policy, nothing which can prevent the adverse parties from coming to such a mutual compromise. If, then, such an arrangement as this is to be made, the question is, how are we to arrive at it? I think the only method by which we can arrive at this end, is by bringing together — I do not say formally—representatives of the two provinces; I do not contend that by the instructions on the table is contemplated a full and fair representation of the people of Lower Canada (as was last night supposed to be the case by the Right Honourable Baronet); but, in my opinion, I repeat, the only practical mode of arriving at such a general adjustment of the disputed questions, is, to bring together, fairly and deliberately to discuss these matters, a certain number of persons who represent all interests in the two provinces. I believe, under the mediation of the Earl of Durham, who cannot be suspected of having any interest on one side or the other, whose only possible object must be, and is, to do full and fair justice to both parties, that we may be able, by a discussion of that description, and by such persons, to devise a general project for settling all these disputed points, and that a scheme may be drawn up for the consideration of the Imperial Parliament for accomplishing so desirable an object. I do not say that this can be done at the present moment, because there must be time for allowing angry passions to cool, and men's minds to subside from the recent excitement; but I do believe that in a short interval of time such a meeting of persons as is sketched out in the instructions which are before us, may lead to the proposition of a general scheme of compromise like that I have ventured to suggest. If this should be the case, and if a plan of that description should be brought under the notice of Parliament, I cannot, for a moment, believe that this House would not gladly and unhesitatingly give its authority to a Bill for accomplishing that arrangement. We can have no interest in doing otherwise, and I can assure the Right Honourable Baronet that it gave me the truest satisfaction to hear, this evening, the exposition of his opinion as to the terms upon which alone a union between the colonies and the mother country is desirable. I fully and unreservedly subscribe to that opinion, and I believe that upon those terms such a union may last for almost an indefinite series of years; and that when that connection shall terminate, it will terminate only because, from our being restrained within comparatively small limits, and from the almost boundless space which is left for the increase of the population in Canada, a time must necessarily ultimately arrive when the relative magnitude of the two nations will be altogether changed, and the relation of a mother country and a colony with respect to them will be practically absurd.

These are my views; and having stated them, I say that it is not impolitic, that it is not improper that the instructions addressed to the Earl of Durham be laid upon the table; because it is not sufficient that the Government should entertain these views, it is not sufficient that you should have liberal intentions towards your Canadian fellow-subjects, but it is necessary, when you are coming forward with a measure which, upon the face of it, is one of great severity and coercion, that you should, with equally public and formal means, show, both to the people of this country and of Canada, what are your ultimate views and intentions. The Right Honourable Baronet has said, that by the instructions on the table, my Noble Friend, who is going out as the Governor of Canada, will be fettered in the discretion reposed in him. If the Right Honourable Baronet will more accurately read those instructions, and weigh the expressions in them, I think he will find that the largest and most ample discretion is left to the Earl of Durham. I know this, at least, that it was the intention of the Government, by whom those instructions were issued, that the utmost latitude of discretion should be given to the Governor. I may also allude to the objection which has been urged by the Honourable and Learned Member for Southwark. He says, that we fetter the discretion of the Governor in another and most material point; and he observes,—it may happen that Lord Durham may find things, when he arrives in Canada, in so tranquil a state,—that men may have so much recovered from past excitement,—that there may be no necessity for adopting an extreme measure of coercion; and, therefore, it would be better that we should not make it imperative upon him. Now, has the Honourable and Learned Member considered how ungracious a task he would thus throw on the new Governor of these provinces? Would it be fully consistent with the nature of the mission that he is going upon? Would it contribute to the success of his high undertaking, that the first act almost on his arrival in the colony should be that of declaring, upon his own opinion and responsibility, the necessity for the suspension of the constitution? I am sure, if the Honourable and Learned Gentleman considers the case in this point of view, if he reflects how invidious and ungracious a task this would be on the part of a Governor sent out on a mission of conciliation, he will not wish the Earl of Durham to be so instructed. But I agree to this extent, however, with the Honourable and Learned Member, that it is possible, at an earlier period than we anticipate, and before those measures which Parliament may be called upon to effect are passed, for us to return to a constitutional form of government; and with that view, and for that purpose, we have introduced the clause to which the Right Honourable Baronet has stated his intention of objecting. We propose, that if this fortunate state of things should exist, — if, contrary, I must admit, to all reasonable expectations, it should be found that the House of Assembly might, without danger, be called together before Parliament has legislated upon this subject; — upon the recommendation of the Governor, the Crown might, by Order in Council, be able to revive the privileges which are at present to be put in abeyance.

This is our proposal: and I must say, after all that has been stated, that I do not conceive that there is anything wrong or unreasonable in this proposition. Parliament has frequently intrusted the Crown with the discretion of adopting a particular line of conduct in the event of a certain contingency arising. I believe even our constitutional jealousy with respect to the power of taxation has not prevented the Parliament from authorising the Crown, in retaliation for acts on the part of foreign powers, to augment the duties on foreign goods and foreign shipping. But, at the same time, though I do not think that there is anything unreasonable or unconstitutional in the proposition we have made, yet I feel that there is so little likelihood of its coming into practical operation — that the chances are so infinitely against its being prudent to authorise the meeting of the Canadian Legislature until Parliament shall have reconsidered the Act of 1791 — that there is so extremely little probability of this, that I do not think the practical consequence of this clause is at all deserving of much consideration. I, therefore, most cordially subscribe to the decision of my Noble Friend, and I think that, for the sake of unanimity, it is expedient that the clause should be omitted. I am afraid, Sir, that I have, perhaps, entered into more details than, at this stage of the roceedings, is altogether convenient; but my excuse is, that for many years I have taken the deepest interest in, and watched with the greatest attention, the progress of our Canadian colonies. I did so before I had the honour of being in office; and during the time in which, under a Noble Lord, I had the pleasure and the happiness to assist in conducting the affairs of the Colonial Office, my attention was, of course, more earnestly directed to all our colonial possessions; and I shall always look back to the policy which was pursued with great satisfaction from the regard that I felt for the Noble Lord I served under, and the sense I entertained of the importance of the useful measures which, under his direction, were carried into effect. From the circumstance of my being so connected with the Colonial Office, I have, perhaps, regarded Canadian matters, more closely than others. That alone is my excuse for entering so largely into the subject on this occasion. I have been, from this circumstance, induced to feel even more strongly than I have hitherto done. Perhaps, Sir, my sympathies are more favourable to the great body of the Canadian people than is altogether popular in this country; but, nevertheless, I feel it incumbent upon me, under present circumstances, to support the views of my Noble Friend.

Mr. HUME. — After the explanation which has taken place, I only wish to state that in the views which the Right Honourable Baronet opposite (Sir R. Peel) has propounded for the first time in this House, as to the manner in which Canada shall for the future be governed, so far as I understand them, I entirely concur with him; and from what I know of the sentiments of the people of Canada, they will be perfectly content with them; and if they are only acted upon, I am sure that they will be anxious to preserve the connection with this country; and I am equally satisfied that if they had been only heretofore acted upon the present difficulties never would have arisen. With respect to the Noble Lord's (Viscount Howick's) reference to the period when he took an active part in the Colonial Office, I am bound to say, that I have been the means of communicating addresses of thanks to the Noble Lord from almost every province in Upper Canada, and that the Canadians only require to be treated upon the principles which have been this night avowed, to be induced to become willing supporters of the connection with the mother country. I must be permitted to observe, also, that the Bill which I and some other Honourable Members opposed on its first reading, was of an entirely different description from that which we are now called upon to discuss. I did, on the first introduction of the Bill, avow my opinion that such was the state of the colony that strong measures were absolutely necessary, and that I was most willing to place ample power in the hands of Lord Durham; but I am also anxious that he shall not be restricted by any particular instructions from the Colonial Office, here. I am satisfied that if the instructions of that office be acted upon, it will be impossible for the Noble Lord to carry out the object of his mission to the Canadas with credit to himself or with advantage to this country; for I am convinced that to send out the Noble Lord so circumstanced will be most effectually to tie his hands. By the first Bill it was proposed, that from its passing till the first of November, 1840, the Canadian constitution should be entirely suspended; but by the Bill now before the House the constitution is not suspended, but a power to suspend is given to the Governor General if he shall think it necessary,—being something to the same effect as the power which I recommended, and which was contained in the Irish Coercion Bill. By the alterations which have been made, the object I had in view has been entirely effected; and I will, therefore, only ask whether it is intended that the powers conferred by the Bill as it now stands are to be executed by Sir John Colborne, or by Lord Durham only? If they are to be executed by Lord Durham only, I have only two more words to say, and then I will offer no further objection. In the clause next before the last clause, where it is stated that this Act "shall be proclaimed," I wish the word "may" to be substituted for "shall," so that it shall not be imperative on the Governor to make proclamation of the Act unless he shall, on his best judgment, deem it necessary. But I must again ask the Noble Lord (Lord J. Russell) whether it is intended that the Governor of Canada for the time being shall make proclamation of the Act? If I rightly understand the powers conferred by that Act, the Governor need not, in the exercise of the prerogative, call together the Legislative Assembly till May. There is no necessity for great haste, and I should be sorry to see the despotic power granted by that Act — for despotic it is in every sense of the word — exercised by any person but Lord Durham, to whom I have no objection to confide it.

LORD JOHN RUSSELL. — It is the intention of the Government, if this Bill should be passed into a law, to enable the Lieutenant Governor for the time being to use the powers vested by this Bill in the Governor. There may be many measures which it will be necessary to take at once in order to secure the peace of the province, and which will render it inexpedient to delay the exercise by the Lieutenant Governor of the powers with which he will be invested till the arrival of Lord Durham.

MR. WARD. — Having on a former occasion stated my entire acquiescence in the general principles adopted by her Majesty's Government with respect to the affairs of Canada, I should not on the present occasion have troubled the House with any remarks, had I not been particularly referred to by the Right Honourable Baronet (Sir R. Peel), and the Right Honourable Gentleman the Member for Coventry (Mr. Ellice), as being one of those Members who rest their support of this Bill upon the principles involved in the words of the preamble now proposed to be omitted. I certainly did attach great importance to those words, because I thought they would go to satisfy the Canadian people that the colony would be governed upon principles worthy of this great country and of an enlightened age. To these sentiments I still adhere; but if, adhering to them, I am asked whether I am prepared to oppose the withdrawal of the words in the preamble, at the risk of losing the advantage of an unanimous vote of this House on this question, I will at once say that I am not; because I believe that the Right Honourable Baronet is strictly and technically right in the proposal which he has made; and I will admit that it is contrary to what is, perhaps, the wise custom of Parliament, to introduce words into the preamble of a Bill which are not followed out by any enacting clause in the body of it; and in reference to these words, of which I approve, in the present preamble, there is not any clause in the body of the Bill now before the House; but I must at the same time say, that if ever there was a time in which I should have thought that the Right Honourable Baronet would have waived any objection founded merely on a reference to principles of form, for the sake of obtaining the unanimous support and concurrence of the House, it is the present. Still I will not object to the withdrawal of the words of the preamble, which are not referred to in the corresponding enactments of the Bill. I will only add, that when I, on a former occasion, expressed my concurrence in the general principles acted upon by the Government, I had not seen the Bill proposed. Of course, therefore, I did not know the words of the preamble, or what would be the amendment proposed by the Right Honourable Baronet. I founded my expression of approbation on the statement made by the Noble Lord the Secretary for the Home Department, which expressed most fully the intention of the Government and of Parliament to redress the grievances of the Canadians; on account of that statement I waived the objection which I entertained to the harshness and despotism of the present Bill. I look to the dictatorship of Lord Durham as the shortest, surest, and safest road to the restoration of peace and tranquillity. I have no wish to prolong the unfortunate state of things which has arisen in the colonies. I cannot without great regret behold the sufferings of the unhappy peasantry, who have been basely deserted by their leaders in the struggle into which they have been betrayed, and in which they have been compelled to use marbles instead of bullets. I cannot regard without much pain the dreadful contest which has been carried on, nor the tyrannical spirit which has been there exhibited by the leaders of the revolt; and I cannot, therefore, say that the dictatorship of Lord Durham will not be of great benefit; and I think that the course which the Noble Lord will be compelled to adopt, aided as he will be, if necessary, by the opinions of the colonists assembled in a convention, will be the shortest and the speediest road to produce future happiness to the Canadians.

Mr. WARBURTON. — I wish to ask the Noble Lord whether Sir J. Colborne, or any person exercising the functions of governor, is to be empowered to call together this Council, — in form, a sort of convention, — for settling the affairs of the colony?

LORD J. RUSSELL.—It is not the intention of Government to address a despatch to Sir J. Colborne, containing instructions similar to those given in the despatch to Lord Durham; but it is intended to empower him, by commission, to carry into effect the provisions of this Bill, if it shall pass.

Mr. HUME. — If the powers of this Bill are to be entrusted to Sir J. Colborne, how can you prevent him from carrying them into execution if he shall so think fit? Sir J. Colborne may, by this Bill, exercise its powers in Upper Canada, also, of which province he was once the Governor, but which he brought into such a state as to oblige the Government to send out another person in his stead. Petitions have been presented from different parts of the province, complaining of his conduct; and I submit whether it would be right to allow that gentleman, who is now commander of the forces in Lower Canada, to put into execution any of these powers? It may, besides, put Lord Durham, on his arrival, in an extremely unpleasant situation; as, if any steps should have been previously taken by Sir J. Colborne, his Lordship may deem it right to recal them, and undo all that has been done. I think that this dictatorial power should be exercised by Lord Durham alone, and that he should proceed to Canada as soon as possible.

LORD J. RUSSELL. — I am sorry that I cannot comply with the suggestion of the Honourable Member for Kilkenny, because I think that no indiscreet use will be made of the power vested in the Governor by that Act. It may be necessary, during the weeks which will elapse between the passing of this Act and the arrival of Lord Durham in the colony, to use some of the provisions of the Act; and I do not think that we should be justified in withholding from the Lieutenant Governor the exercise of that power. I will not enter into the particular reasons which have led to the recal of Sir J. Colborne from the government of Upper Canada; but all I will say is, that the Government think they can safely and properly confide in him the exercise of those powers that by this Bill will be conferred upon him.

Mr. W. S. O'BRIEN. — It should not be forgotten, that the state of things as they existed in 1837, is not the state of things as they exist now. It does appear to me to be very inconsistent, that, acknowledging the importance of maintaining the possession of these colonies, you should deny the people that which they consider necessary for their wellbeing, — an elective Legislative Council. I would urge upon her Majesty's Ministers the propriety of giving to Lord Durham the power of considering this point. One other observation. I cannot but express my disappointment and regret at the withdrawal of the clause enabling her Majesty in council to terminate the powers granted by that Act.

The preamble of the Bill was then put, and agreed to; as was also clause 1.

Clause 2.

On the question, "That this clause stand part of the Bill,"—

SIR E. B. SUGDEN said: — In rising to oppose this clause, I will detain the House but a very short time. I think it is desirable that the House should know what are the real powers of the Bill. I understood from my friends around me, that the Noble Lord last night proposed the committal of the Bill *pro formâ*, merely to introduce some verbal amendments; but I must say, that I never saw a Bill come out of a committee, in which there had been a regular contest, with more extensive or more important alterations introduced. And I am sure that no person who has not great legal knowledge is capable to form, on the sudden, an opinion as to the precise operation and the distinct effect of the Bill as it now stands. The Noble Lord ought to have stated the spirit of the alterations he intended to introduce. In the colony, as it at present exists, there is an executive council, as a kind of cabinet, or privy council, assisting the Governor; and I can see no provision in the present Bill for altering or taking away its powers. In the next place, supposing the Noble Lord not to be deterred from following out that policy which he has stated that he will act upon, he authorises the Governor, by his instructions, to form a sort of convention; that is, to call a meeting to consult and advise with him as to the establishment of a new constitution. It is proposed also, that the Governor is to form what is called, though, I contend, most improperly, a legislative council also for advice and assistance. I hope the Noble Earl who is to proceed to Canada will not be impatient of advice; but I must say, he will have enough of it to make him so. Now, the powers which I understood the Governor General would have had, are much extended by the alterations in the Bill which have been made since last night. As I understood the Bill in its original form, he was not to have the power of touching the clergy reserves; nor was he to interfere with the feudal tenures, nor with free and common soccage tenures, in that country. He was to have no power of regulating subjects of such delicacy and difficulty: and he was to have only so much authority, with the advice of his council, as might be necessary for the local government of the colony till the terms of the new constitution had been fixed; but, as the Bill now stands after the alteration, the Governor is to assume all those powers. "Yes," but the Noble Lord may say, "if I do give that power, any measures that might be proposed by the Governor and Council of Lower Canada would be laid on the table and submitted to this House." But that is no argument with me; I object to the Governor having the power of interfering with matters of so important a nature. The true rule by which, in my opinion, we ought to be guided, is to exclude from the absolute control of the Governor all those questions, the remedies for which must, from their peculiar nature, be laid upon the table of this House, after their adoption; and, if it be necessary to come before the Imperial Parliament at all, we had much better call upon it to legislate directly upon those questions; and we ought not to enable the Governor to do any thing definitively, except what is required for the local, urgent, and necessary conduct of the affairs of the colony. I beg the House, also, to mark well the difference which exists between the present Legislative Council, and that which, by the Bill now before us, it is proposed to adopt. By the Act of 1774, the Executive Council was created; but the power of selection was vested in the Crown itself, and the number was confined to seventeen. There was always to be a majority present, and no unusual sittings were allowed, unless upon personal notice being first served upon every member of the body whose residence was within fifty miles of Quebec: and by that Act also, the power was given to the Council, with the consent of the Governor; not, as in this, the power given to the Governor with the assistance of the Council. In the one case, the power is given to the Governor; in the other, to the Council. The appointment of these persons was not with the Governor: the Governor could neither appoint nor remove them; the Crown alone had that power. Now, by this clause, the Governor would virtually have the power of nomination, for such is the effect of the enactment, which enables "her Majesty, by any commission or commissions to be from time to time issued under the great seal of the United Kingdom, or by any instructions under her Majesty's signet and sign manual, and with the advice of her Privy Council, to constitute a Legislative Council for the affairs of Lower Canada; and, for that purpose, to appoint or authorise the Governor of that province to appoint such and so many legislative councillors as to her Majesty may seem meet, and to make such provisions as to her Majesty shall seem meet for the removal, suspension, or resignation of all or any of such councillors." Now, what will be the effect? The Governor General will, doubtless, choose gentlemen whose advice is not very likely to be disagreeable to him. But suppose a councillor should give him advice not exactly in accordance with his own opinions, he may, if he chooses, remove him at once. There is one point which we have not yet been informed upon, which is,—whether the members of this Council are to be paid. I have no objection to the Governor General having a council, to consult and advise with, but I wish it to have no other character than that which really belongs to it. A body so created can by no means answer the character of a Legislative Council, for its province will be not only to legislate, but to advise. As they are constituted, however, they must agree in opinion with the Governor General, or they will doubtless be suspended. There cannot be a greater deviation from the constitution; but it is certainly not a greater one than the appointing the Governor General. What I object to is, giving a part of the constitution in name, but not in substance. I do not like to see the name of the Legislative Council continued in the Act, as applied to the new body, the character of which is, in fact, entirely different from that of the Council which hitherto existed. If the constitution of Canada is to be suspended for a time only, I think it would be better to make the Act, providing for the suspension, applicable to that time. I would submit, therefore, that it be advisable to strike out of the clause the words "Legislative Council," and to substitute for it some other title more applicable to its real character. This would obviate, to a great extent, the objections which I entertain; and such a change, in itself, is very slight, and cannot affect the other provisions of the measure.

Mr. WARBURTON.—I am of opinion, with the Right Honourable and Learned Member, that the designation of the new Council has been unfortunately selected; because, first of all, I think that it is likely to create confusion with reference to the Council which has, up to this time, been in existence; and, secondly, because I think the name is most unpopular in Canada. If I were desirous of appointing a body of this description, I would not choose the most unpopular name I could discover to give them. In France, when a change of government took place, the new governor was called, not king, but First Consul; in England, Lord Protector. That was because men would not adopt a name which was unpopular with the people they were about to govern.

SIR GEORGE GREY. — I will beg, in answer to the observations of the Right Honourable and Learned Member opposite, to state, that there were not any substantial alterations made in the Bill last night. With regard to the clause in which the term "Legislative Council" has been employed as descriptive of the body proposed to be appointed, this term has been used, really, with the intention of expressing that the council should be a legislative council, and that its duties should consist in framing laws; and that it should not exercise the functions of an executive council. I have no objection whatever, that any other word less unpopular, or which may be considered more appropriate, should be inserted in the Bill, instead of that which now stands in it.

An HONOURABLE MEMBER suggested that the word "extraordinary" might be employed.

SIR GEORGE GREY. — I do not think that that word is appropriate to the purpose, or that it will exactly give the meaning intended to be conveyed. Any observation of the Right Honourable and Learned Member opposite, with regard to the members and functions of the council, is worthy of the attention of the House, and will be extremely useful when the question of the establishment of a permanent council shall come to be considered. The new council, however, is an extraordinary one; and it is intended to leave all the responsibility entirely with the Governor General, — the initiative power being reserved to the Governor, as in New South Wales, and other important colonies.

LORD JOHN RUSSELL. — Perhaps the word "special" would be less objectionable.

SIR GEORGE GREY. — I think that the word "special" will fully answer the purpose, and can meet with no objection.

SIR EDWARD SUGDEN. — I must observe, with respect to the denial just made of any alteration having been made in the Bill, that I myself had intended to move an amendment to it, giving the Crown the power of annulling any proposition within a certain time after its having been submitted to this country. In the original Bill there was no such provision; but I am glad to perceive that my amendment has been anticipated.

The amendment of the second clause, by substituting the word "special" for the word "legislative," was then agreed to, and the clause was ordered to stand a part of the Bill.

LORD STANLEY. — Before the next clause is put, I wish to offer one suggestion, and though not of a nature so purely verbal and technical as that of the objection last before the House, I yet hope that her Majesty's Ministers will accede to it. On looking at the Bill as last printed, with reference to the powers given to the Governor General (it is all very well to talk of the council, as a matter of courtesy, but in reality everything rests with the Governor, who is dictator), I think that they are of a nature far too large and comprehensive. The special council, as it is to be called, may be a decent appendage to the Governor; but, with the constitution suspended, and the initiative given to the Governor, it is quite evident that he possesses the completest power which can by possibility be conferred upon him. A doubt occurs to me whether there are other parts of the constitution which should not have been altered by this temporary act? I have been induced to bring forward this objection because an alteration has been introduced into the Bill giving to the Governor and the council, only, the power to make such laws as the ordinary legislation of Canada before allowed; and so far an amendment has been made. For it is proper that the Governor should not have greater power than under the ordinary Legislature; but it is, in my opinion, open to serious question, whether he ought to have the same power. There may be some subjects on which it is expedient that the colonial Legislature should agree on the measures to be passed with regard to local affairs, but on which it would be improper to trust a single individual to legislate. It is no answer to say that the House of Assembly cannot pass any act inconsistent with those of the Imperial Parliament. As a general rule, it is true they cannot; and they cannot alter the constitution of the colony, or alter the functions of the constitution, as to any of the great points established by the Act of 1791; but there are some provisions in respect of which special power is given to them to act even in reference to the enactments of Parliament itself. The Noble Lord admits he does not wish to clothe the Governor, as dictator, with any more power than is absolutely necessary for conducting the administration of the province—and such I take to be the real object of the Bill—for preventing anarchy and confusion, for continuing temporary enactments, and carrying on the ordinary routine business of the government; not to empower the Governor and Council to make any great change affecting the permanent interests of the colony. Now, in the Act of 1791, there are provisions, first of all, for the continuance of their rights and dues to those belonging to the Roman Catholic persuasion, whom we found established, and who continued, there, in pursuance of the stipulations in the treaty. Other provisions were then first made for the maintenance of the Protestant clergy in Canada. For both those objects provision was made by the Act of 1791; but a power to alter both of them was given to the Legislative Assembly and Council of Lower Canada, subject, undoubtedly, to certain restrictions; namely, that the Bill proposed to be passed for altering the provisions of the Imperial Act, with regard to those subjects, should be laid on the Table of both Houses of Parliament for thirty days, during which time the Crown was restrained from giving it the Royal assent. But there is a third subject, to which I now more particularly allude, the *vexata quæstio* of land tenures. Upon that point there is no restriction whatever. It is well known there is no subject which has excited so many difficulties, and so much acrimony as that of the tenures, not only between persons of different opinions, but of different races; and there is none, therefore, on which it is necessary to act more cautiously and more scrupulously, and on which it is more important that no temporary enactment should be made. Yet, by the 1st William IV. cap. 20., a power was given to the Legislature of Lower Canada (which might be proper enough as vested in a body regarded as representing more or less correctly all the great interests of the colony), to alter not only the law respecting the tenure of lands, but the other incidents of property; such a power, however, is obviously most improper when confided to the absolute discretion of a Governor sent out for two or three years, and wholly irresponsible in the colony. There is no restriction on this point whatever. I do not wish to throw out any insinuation, as if my Lord Durham will not exercise a wise discretion: be he Lord Durham or any other individual, no one ought to have the power without restraint from the local Legislature, by his own mere act and authority,—

sanctioned, no doubt, by the Ministers of the Crown in this country, but responsible to no one in the colony,—to alter the whole of the law affecting real property in one of the most important colonies of the empire. If there be any one subject which more than another should be taken out of the hands of an irresponsible, arbitrary, temporary authority, it is that of the tenures of land, considering more especially the vexation and jealousy it has already occasioned in Canada. I am not prepared with any words to carry this object into effect; but the principle is simple enough, and if, as I hope, the Government is ready to accede to it, there will be no difficulty in framing a proviso with that view. If Government shows any reluctance to adopt the amendment, I hope the committee will assist me in pressing it upon their attention.

The SOLICITOR GENERAL.—I will not deny that there might not be some danger in exercising the power referred to by the Noble Lord: but there is, on the other hand, the greater difficulty of sending out a person avowedly with dictatorial powers, and saying to him, "There are certain subjects so difficult and important that we cannot intrust you, in reference to them, with any powers of temporary legislation subject to the control of Parliament." The Noble Lord has referred to the Tenures Act, but there might be other subjects with respect to which it would be even more necessary to restrain the power of the Governor in council than that to which the Noble Lord has alluded. We have framed the Bill upon this principle. We do know what are the powers of the existing Legislature, and we do know the danger we encounter in intrusting, temporarily, those legislative powers to a Governor General; and would it not be better to intrust those powers, for a certain time, to the Governor General, without those restrictions which the Noble Lord proposes, than to restrict him in any one particular case only? I think it is much less dangerous to intrust an individual with those legislative powers for a time, until measures can be adopted for calling the Legislature into operation again, rather than run the risk of leaving the colony without any legislation.

SIR W. FOLLETT.—I do not think that the Learned Solicitor General has given any answer to the observations of the Noble Lord; he has put no difficulty in the way of the amendment which cannot be well answered. I understand one of his objections to be, that he does not wish to make an objection to the Tenures Act; and that the House, giving to the Governor General dictatorial powers, should give him the fullest authority on all subjects. But does the present Bill, then, place no restriction on the powers of the Governor? There is a proviso at the end of the third clause to which I will, by and by, more particularly allude,—a proviso not very properly fitted to that clause, however it may have been as the Bill formerly stood,—preventing the Governor General from making any law, altering, in any respect, the law now existing in the provinces, respecting the constitution or composition of the Legislative Assembly, or the rights of persons to vote at the election of Members. Such a provision, I repeat, might have been necessary in the Bill as it originally stood, but it is wholly unnecessary now. It has been said, by the Honourable Baronet opposite (Sir G. Grey), that no material alterations have been made in the Bill. On the contrary, the alterations are most substantial,—affecting, as they do, the power they give to the Governor General to make laws. Under the Bill, as it formerly stood, the Governor had, undoubtedly, a power to make any laws upon any subject on which the colonial Legislature alone had the power to legislate; and the much more extensive power to repeal, alter, and annul the Acts of the Imperial Legislature. Such was the nature of the powers given by the Bill, as it originally stood, to the Governor General, although it is to be presumed such powers were not intended to be given, as the Honourable Baronet (Sir G. Grey) declares that no material alterations have been made in the Bill. The effect of the Bill is now altogether changed. You now restrict the Governor to making such laws as the colonial Legislature could have made. You require him to obtain the consent of the Crown, and that, certainly, is a very proper amendment. The Governor, now, has the power of the colonial Legislature; but is it right that he should have so much power? Generally speaking, the colonial Legislature have no power to repeal or alter the Acts of the Imperial Parliament. (The Bill is very clumsily drawn up, whoever has the merit of it.)

[Cries of "Hear!" and laughter.]

But there are certain matters which they have power to deal with. Power was given them by the Act of 1791, to alter the laws respecting the Roman Catholic religion, to alter the electoral districts, and also to make laws altering the Act of 1791, relative to the maintenance of the

Protestant religion, the appropriation of the church reserves, the erection of parishes, and the whole ecclesiastical government, as far as the Protestant clergy were concerned. But they could not interfere with any law respecting any of those subjects, without an address from the colonial Legislature to the Governor, who was required to transmit the Bill and address to England, to lie thirty days on the table of both Houses of Parliament, during which time the Crown could not give the Royal assent. According to this plan, an address from the colonial Legislature being imperative, the inhabitants of the colony might become well acquainted with the subject, and could make any representations connected with it. But such will not be the case with a dictator, who will make the law in secret, and send it home to receive the sanction of the Crown, the Canadians remaining in utter ignorance of it, and without giving them the slightest opportunity of expressing their opinions respecting it. I believe the only other subject in which the Canadian Parliament can interfere with the Acts of the Imperial Parliament, is in respect to the Canada Tenures Act, passed in 1826. And, in the following year, the Assembly of Lower Canada acquired the power of altering or amending it, subject only to the Royal assent. Such are the powers possessed by the colonial Legislature. Is there any reason why the Governor General should possess powers for interfering with the laws relating to the Protestant religion, the clergy reserves, and the tenures of landed property? The very principle, that the laws which may be made in that respect are to exist only for a definitive period of three or four years is a decisive objection. Those matters certainly do not fall under the head of local police, or regulations for administering the affairs of government. If any alteration is to be made in the tenures, surely it should be of a permanent character, to be recognised and treated as law at once; the greatest inconvenience and mischief must, in my view, arise from the interference of the Governor General in such a matter. I have now stated the grounds upon which I shall move the following proviso:—" or to repeal, suspend, or alter any provision of any Act of the Imperial Parliament, or any provision of any Act of the Colonial Legislature repealing, altering, or amending any provisions of such Acts."

MR. E. ELLICE.—I am inclined to agree with the Honourable and Learned Member who has last spoken, that it may be most unwise to give to the Governor General of Canada the power of altering or repealing the Acts of the Imperial Legislature, more especially if the laws which he shall make are only to remain in force for the three or four years, during which he may remain in authority; but I entertain some doubts on the clause of the Bill now before the House; and I think care must be taken that, in imposing restrictions on the authority of the Governor, the interests of the country be not permitted to suffer. The legislation of the colony has hitherto been of a somewhat temporary nature; as, for instance, the Legislative Council passed a Bill for the registration of deeds under the Tenure Act: but it was for a limited period only, and will shortly expire; and the amendment proposed by the Honourable and Learned Member is not, I suppose, intended by him to interfere so as to prevent the Governor from making any law by which that Act might be continued in operation. But there are other subjects very material for consideration with regard to the Council;—as, whether all legislation shall be suspended. For, if so, what will be the consequence? At this moment, the system of communication through the colony is most defective; and if the present abeyance of the law continues, it must be put an end to, or materially injured. Any one who passes through the other British provinces in America must be surprised at the excellent system of communication which exists there, as well by means of railways as of other communications; but, in passing into Lower Canada, he will at once be struck with the contrast between the scene of activity which presents itself in the former country, and the total absence of anything indicating industry in the latter. This is all owing, I believe, to the unfortunate differences which have existed between the two branches of the Legislature.

I do hope that all parties may be disposed to combine, in order to give to the Canadians a constitutional settlement. If this be not the case, what are we to do? Are we to suspend the Canadian constitution for the next three or four years? Let the House mark the importance of securing some degree of stability to the establishments of the colony at present, from the operation of political and local causes with which the House is already acquainted. All the laws in Canada are, to a certain extent, temporary, and this I conceive to be a great fault, and to operate very great prejudice. Sir, what is the inevitable consequence of retaining those laws on their present footing of uncertainty and limited duration? All endeavours to improve the general condition of the country, by those works of a public and extensive character, which require that parties should combine their efforts and their capital for carrying them into effect, must comparatively cease. Take the instance of a railroad for example, the laying down of which might be of the utmost importance to the commerce of the country, and to the public service, as well as to the facility of private trade. Who would subscribe his money to a local undertaking of this nature, if the Act, or rather the authority which passes the Act, to protect his investment of capital, is to last only for a term of four years? It has always appeared to me, therefore, that the better course to adopt, with regard to this temporary legislation, would be, to restrict it as much as possible,—indeed, as much as my Noble Friend or my Honourable Friend desires; but still to allow legislation to go on. I should be content, even if it should be said that any Act to be passed should, before its being carried into effect, be transmitted to this country, and have lain thirty days on the table of the two Houses of Parliament. It is very true that the subjects to which Acts that are brought before the Council can relate, are extremely few, — that its legislation takes but a limited range; but I am not at all satisfied, that this should necessarily be the case. When it is necessary to pass an Act, I cannot see why there should be any objection to permit it to remain in force until such time as it shall be repealed by the Legislature. I am much disposed to think, that a great many of those knotty points which are at present brought before the Council, might be referred to the control of the Imperial Parliament, and in this way many difficulties which now interpose in the business of colonial legislation might be overcome, and the whole course of that business be much facilitated. People, as we know, differ very much upon points of this sort, until they are settled. The mere fact, of their being brought to any conclusion frequently tends to effect an essential diminution both of the number and amount. I doubt very much, whether after a law has passed in the way I mention, the Bill having been thirty days on the table of each House,—if we do not permit it to enure, the Canadian people will not say, that they are deprived of their Legislature, and have not the means of carrying out local improvements as they have in the other provinces.

I do not propose these things to the House without hesitation, and still less do I submit them by way of amendment. I have some doubts on my own mind on these subject; but it is perfectly right that the difficulty should be stated and appreciated. I only point out the practical grievance which would be felt in Canada, under the continuance of such a state of things; and it is clear that if you pass a Bill which is to suspend the constitution of the colony, and to deprive the local legislature of their powers, you should make some other provision for the legislation of the colony. I am far from implying that all these defects in its present legislation may not be remedied under the new machinery which you are about establish. I am now speaking only of a particular grievance, which it seemed expedient to bring under your notice. I know, that this is not the only subject which will press itself on the consideration of the British inhabitants of Canada. It is a lamentable thing, but the fact is not the less remarkable, that whilst the subjects of Upper Canada have improved the navigation of the St. Lawrence, from the rapids of Niagara, to the boundaries of their province, nothing has yet been done by the Legislature of Lower Canada for the same purpose, although they have expressly promised to do so. Now this is, beyond all doubt, a very hard case upon those who have performed their part of the engagement. Another grievance is of this nature; that in the harbour of Montreal certain works have been commenced, and in part constructed, to complete the formation of that harbour — (and, especially, a beautiful quay has been built there), — which are really a credit to the city of Montreal and the colony at large. Is that quay, under the operation of the provisions of this Bill, to stand unfinished for the next four years — to stand half finished, I may say, for all that time? Does my Honourable Friend near me, who cries "Hear!" mean to tell me, that the fact would not be so? The way in which these things used to be done was, that the public money was advanced for such purposes, under the guarantee and authority of the Governor; but how is the Governor, and where is the Governor, now, to look for such funds? It would be a very great pity, and of great public inconvenience, to let a matter of this kind stand over, because the proposed new legislative body would, for some time, have a large mass of matters to legislate upon. I think, myself, that a practical sort of distinction might have been advantageously drawn as to the subjects which it should, and those which it should not, be competent to the council to deal with. For the council, a certain class of the objects of legislation should be reserved. Upon some, its capacity to legislate should be permanent; upon others, the right should be absolute, in the Imperial Parliament. I have so little desire to interfere in these matters, beyond the wish to lay before the House any little degree of practical information upon them which I may happen to have acquired, that I have no intention whatever to propose any amendment. I know that inconvenience may be anticipated from anything like precipitancy, where you impose upon a party a restrictive legislation; but I would rather restore this colony to its condition of prosperity in former times, than extend either the amount or the stringency of these restrictions.

SIR GEORGE GREY. — The inconvenience or difficulty to which my Right Honourable Friend has alluded, is one, doubtless, of very considerable magnitude, but one which cannot, I fear, be remedied consistently with the objects of the Bill now before the House. The period of legislation to which my Right Honourable Friend has alluded will be two years. Let my Right Honourable Friend consider, for a moment, what would be the consequence of enabling the Governor in council to pass permanent laws. Although I admit that the want of this power as regards local improvements, in cases of the nature which he has mentioned, might prove extremely inconvenient, yet to give such a power generally would be productive of a degree of mischief and inconvenience which would be proportionably much greater. With regard to the harbour of Montreal and the unfinished works there, I do not think that that case comes within the same class of grievances as the other which he mentioned. It is true, that the Governor in council used to be able to raise money in the way which he has mentioned; but there is a part of this Bill, which will leave a very large sum of money at the disposal of the Governor in council, on the same footing as was provided under the Act of 1832, under which Act a large sum was placed at his disposal, on account of advances for public works. Why should it not be in the Governor's power again to apply large sums of this nature to a similar purpose? But, then, it seems my Right Honourable Friend would except from the operation of this Bill certain subjects, legislation with regard to which he thinks would be more properly reserved to the control of Parliament. He must give me leave to say that this Bill is but a temporary one; and that the difficulty which he anticipates, as likely to arise under its provisions, is one very remote — not to say very unlikely. At the same time, if he will put his suggestion into the form of an amendment, and give me the words in which he would desire to express it, I will see whether or not I can adopt it; but I think it very possible, I must tell him, that the words of his amendment will be found too large. If his amendment have reference only to railroad and such other Acts as he has mentioned, I do not know that it will cause much objection. With regard to the fifty-third clause, to which my Honourable and Learned Friend the Member for Exeter has objected, I beg to observe, that if that applies only to such particular matters as he has suggested, I do not think there will any objection to it. I would just add, that you give the power of altering the selection of members of the council. If my Honourable and Learned Friend's amendment extends to some other matters, that circumstance might render its adoption inexpedient.

SIR WILLIAM FOLLETT. — My object is merely to exclude from the operation of the clause such laws as those I have particularised; but I have no wish to exclude from the control of the Governor in council any local matter, where there shall be a case of necessity, requiring and rendering necessary his legislation upon it. But I must ask, on this part of the Bill, why it was not thought necessary, in framing the measure, to make the exception which I have proposed? With respect to the suggestion of my Honourable Friend (Sir G. Grey), I have no objection to comply with that suggestion, and hand over my amendment to his care; with the understanding, however, that it is the intention to carry into effect the spirit of the principle upon which this experiment has been made; that is to say, to exempt from the operation of the legislative power of the Governor in council any Act of the Imperial Parliament, or any Act of the Colonial Legislature, respectively. I do state, that my opinion, and I believe the opinion of every one else (certainly of every lawyer) who has read the Bill, is this, that the effect of the original Bill, as it was at first laid upon this table, and as it has now been circulated throughout the country, and as, in all probability, it has now got out to Canada, is, that the Bill was to give the Governor in council, without any check or control of any kind, the power of legislating to any extent, and upon any effect upon any subject.

[Loud cries of "Hear, hear!" from the Opposition benches.]

I mean not any disrespect to Honourable Members opposite. I persist in that statement: it did indeed contain this sort of qualification, that it should not interfere with the constitution of the Colonial Assembly. But the very force of that exception gave to the Governor in council the power of interfering with any Act of the Imperial Legislature, excepting what was therein specially excepted. Why, then, I must say, with all courtesy to the Honourable Gentlemen who have introduced this Bill, that whether the case be that the Bill was prepared with extreme haste, or whatever else may have been the cause of its imperfections, that in the case of a measure of such importance as this — a measure disfranchising a whole colony, and which leaves that important possession under the operation of this — as it has been most justly designated by you yourselves — Bill of Pains and Penalties — if it was not the intention to give to the Governor in council this exorbitant power, it is impossible that any Bill could have been framed with more carelessness, more haste, and more want of attention, care, and perspicuity, than the Bill so introduced to this House. I must say, therefore, that whether such was the intention or not of the framers of the Bill, this House has a right to complain of the important alterations which have been made in it at this late hour of the night (as well as of the slovenly form in which it was first presented), when every body supposed that the Bill, which we were about to commit, was one containing provisions totally different from that which is now actually before us. I do anticipate, after what has passed, that there will be no objection whatever to the purport of the amendment I have moved.

The ATTORNEY GENERAL. — It is rather an unprofitable waste of time when an Honourable Member, like the Learned Member for Exeter, gets up to discuss what would have been the effect of this Bill as it originally stood. With all submission to my Honourable and Learned Friend, it is better to discuss what is the effect of the Bill as it now stands; and if it has anticipated some of the objections, in its present form, which were to have been taken by the Right Honourable and Learned Member for Ripon, and the Honourable and Learned Member for Exeter, they surely have no reason to complain. I must say, that I have seldom known a Bill in which, in the course of its passage through this House, there have been introduced fewer alterations. I have had the honour to be chairman of a committee since I have been in this House, and have known, in that experience, the same Bills committed, recommitted, and re-recommitted; Bills which were brought in by Gentlemen on both sides of the House. And if we go back to former times, which some Honourable Gentlemen, here at least, consider to have been the best of times — when their great authority, Mr. Pitt, was Prime Minister of this country, — I have known instances in which Bills were recommitted and reprinted seven or eight times over. The Right Honourable Gentleman (Mr. Wynn) is himself cognisant of this fact, and could name the Bills to which I allude. Now, this Bill, be it observed, has been recommitted and reprinted only once, and no more than the alteration of a single expression or two has been introduced ——

[Loud cries of "Oh, oh!"]

Well, certainly, there is no substantial alteration in it.

[A laugh, and cries of "Oh!" and "Hear!"]

Yes, I maintain, that anybody who reads the Bill with candour, will own that there is nothing in this, substantially new, as compared with the former one. Any person who will read all the clauses with care, will see that it is intended that the Legislative Council alone should have the power in those cases only which have been referred to. There is no ground, therefore, for saying, that any substantial alteration has been effected in the Bill, which in its original condition gave to the Governor in council all the power heretofore belonging to the local Legislature of Lower Canada. What change has been introduced into any part of the Bill, only goes to express more precisely the objects in view. There can be no difficulty whatever in introducing the alteration proposed by my Honourable and Learned Friend the Member for Exeter. If there had been a clause in this Bill providing that the council should have a power of legislating on all local, on all internal, and all legal matters, then, indeed, my Right Honourable and Learned Friend the Member for Ripon might have had reason to complain. But this Bill only gives a power to the Canadian Council to deliberate on certain matters, and then it sets out a variety of restrictions and limitations.

Mr. EDWARD ELLICE. — One word in explanation. I have said before, that I had no wish to interfere in this debate. I wish to state merely to my Honourable Friends that there is every probability that more of disadvantage than advantage will follow from their persevering in the course to which I have objected. I must still contend, that the case of the Upper province is a very hard one, seeing that it has had to bear all the expenses of improving the navigation of the St. Lawrence, on which it has expended nearly as much money as this country has thrown away on the Rideau Canal. An application was made on the part of the great landholders, but which has been negatived by the House of Assembly of the Lower province, for completing and making good the communication from the Upper province to the sea.

Mr. WARBURTON. — I am glad to hear that inconvenience is likely to arise from agreeing to this amendment, because it must speedily lead to a revision of the Legislature provided for the Canadas.

Mr. PRAED. — I wish to know whether any provision is made in this Bill for the continuance of any taxes or duties which are likely to expire before the reconstruction of the House of Assembly? I ask this question, because I understand that in the Report of the Canadian Commissioners allusion is made to certain duties, which will expire in the course of the next summer.

SIR G. GREY. — I am of opinion that there is a provision in the Bill which will meet the case of these expiring taxes.

SIR E. SUGDEN. — As the Act stood before, it ran thus: — "It shall not be lawful to impose any local rates and assessments, save only in so far as the same," &c.

Clause 4. was agreed to, with a verbal amendment.

The succeeding clauses, as far as the 8th, were agreed to; clause 9. was struck out, and clause 10. was agreed to.

The House then resumed; the Report was ordered to be received to-morrow.

SUPPLY.

Committee deferred till Monday next.

RETURNS.

Beer Houses. — On the motion of LORD DUNCANNON, Return ordered — of the number of houses licensed to sell beer by retail in England and Wales during the year ending the 31st of December, 1837, specifying the number in which it is to be consumed on the premises, and those in which it is not.

Public Works (Ireland). — Return (presented 16th of December) to be printed.

South Australia. — Second annual Report (presented 23d of January) to be printed.

Adjourned at a quarter after ten o'clock.

HOUSE OF COMMONS, SABBATI, 27° DIE JANUARII, 1838.

LOWER CANADA GOVERNMENT BILL.

Reported; amendments made; Bill to be read a third time on Monday next; Bill, as amended, to be printed.

Adjourned at a quarter after twelve o'clock, A.M.

all admit that, whatever has been effected has been done in the right direction. The objections made are upon the degree, not upon the nature of the proceedings. They are, that too little relief has been given to the slave,—that too late a day has been assigned for his final liberation,—that he still suffers more than he ought: it is not that we have made slavery more universal, more burdensome, or more bitter. But what would have been said by the English people,—in what accents would they have appealed to this House,—if, instead of finding that the goal we aimed at was not reached, that the chains we had hoped to see loosened still galled the limbs, that the burden we had desired to lighten still pressed the slave to the earth,—it had been found that the curse and the crime of human bondage had extended to regions which it never before had blighted,—that the burden was become heavier and more unbearable,—that the fetters galled the victim's limbs more cruelly than ever: what, I ask, would then have been the language of your petitioners? What the sensation spread through the country? What the cry of rage echoing from every corner of its extent, to charge us with mingled hypocrisy and cruelty, should we allow an hour to pass without rooting out the monstrous evil? I will venture to assert that there would have burst universally from the whole people an indignant outcry, to sweep away, in a moment, every vestige of slavery, under whatever name it might lurk, and whatever disguise it might assume; and the negro at once would have been a free man. Now, this is the very charge which I am here to make, and prepared to support with proof, against the course pursued with a view to extinguish the slave trade. That accursed traffic, long since condemned by the unanimous voice of all the rational world, flourishes under the very expedients adopted to crush it; and increases in consequence of those very measures resorted to for its extinction. Yes, my Lords, it is my painful duty to show what, without suffering severely, it is not possible to contemplate, far less to recite, but what I cannot lay my head once more on my pillow without denouncing, that, at this hour, from the very nature of the means used to extirpate it, this infernal traffic becomes armed with new horrors, and continues to tear out, year after year, the very bowels of the great African continent,—that scene of the greatest sufferings which have ever scourged humanity,—the worst of all the crimes ever perpetrated by man!

When the Act for abolishing the British slave trade passed in 1807, and when the Americans performed the same act of justice by abolishing their traffic in 1808, (the earliest moment, it must, to their honour, be observed, that the Federal Constitution allowed this step to be taken;) and when, at a later period, treaties were made, with a view to extinguish the traffic carried on by France, Spain, and Portugal, the plan was, in an evil hour, adopted, which, up to the present time, has been in operation. The right of search and seizure was confined to certain vessels in the service of the State; and there was held out, as an inducement to quicken the activity of their officers and crews, a promise of head money,—that is, of so much to be paid for each slave on board the captured ship, over and above the proceeds of its sale upon condemnation. The prize was to be brought in and proceeded against; the slaves were to be liberated; the ship, with her tackle and cargo, to be sold, and the price distributed; but, beside this, the sum of five pounds for each slave taken on board was to be distributed among the captors. It must be admitted that the intention was excellent; it must further be allowed that, at first sight, the inducement held out seemed likely to work well, by exciting the zeal and rousing the courage of the crews against those desperate miscreants who defiled and desecrated the great highway of nations with their complicated occupation of piracy and murder. I grant it is far easier to judge after the event. Nevertheless, a little reflection might have sufficed to show that there was a vice essentially inherent in the scheme; and that, by allotting the chief part of the premium for the capture of slaves, and not of slave ships, an inducement was held out, not to prevent the principal part of the crime, the shipping of the negroes, from being committed, but rather to suffer this, in order that the head money might be gained when the vessel should be captured with that on board which we must still insult all lawful commerce by calling the cargo,—that is, the wretched victims of avarice and cruelty, who had been torn from their country, and carried to the loathsome hold. The tendency of this provision is quite undeniable; and equally so is its complete inconsistency with the whole purpose in view, and, indeed, the grounds upon which the plan itself is formed; for it assumes that the head money will prove an inducement to the cruisers, and quicken their activity; it assumes, therefore, that they will act so as to obtain the premium: and yet the object in view is to prevent any slaves from being embarked, and, consequently, anything being done which can entitle the cruiser to any head money at all. The cruiser is told to put down the slave trade, and the reward held out is proportioned to the height which that trade is suffered to reach before it is put down. The plan assumes that he requires this stimulus to make him prevent the offence; and the stimulus is applied only after the offence has been in great part committed. The tendency, then, of this most preposterous arrangement cannot be questioned for a moment. But now see how it really works.

The slave vessel is fitted out and sails from her port, with all the accommodations that distinguish such criminal adventures, and with the accustomed equipment of chains and fetters, to torture and restrain the slaves; the investment of trinkets wherewith civilised men decoy savages to make war on one another, and to sell those nearest to them in blood; with the stock of muskets, too, prepared by Christians for the trade, and sold at sixteen-pence a-piece, but not made to fire above once or twice without bursting in the hand of the poor negro, whom they have tempted to plunder his neighbour or to sell his child. If taken on her way to the African coast, she bears internal evidence, amply sufficient, to convict her of a slave-trading destination,—I will not say that the cruisers, having visited and inspected her, would suffer her to pass onward,—I will not impute to gallant and honourable men a breach of duty, by asserting, that, knowing a ship to have a guilty purpose, and aware that they had the power of proving this, they would voluntarily permit her to accomplish it;—I will not even suggest that vessels are less closely watched on their route towards the coast than on their return from it. But I may at least affirm, without any fear of being contradicted, that the policy which holds out a reward, not to the cruiser who stops such a ship, and interrupts her on her way to the scene of her crimes, but to the cruiser who seizes her on her way back when full of slaves, gives and professes to give the cruiser an interest in letting her reach Africa, take in her cargo of slaves, and sail for America. Moreover, I may also affirm with perfect safety, that this policy is grounded upon the assumption, that the cruiser will be influenced by the hope of the reward, in performing the service; else of what earthly use can it be to offer it? and, consequently, I am entitled to conclude, that the offering this reward assumes that the cruiser cares for the reward, and will let the slaver pass on unless she is laden with slaves. If this does not always happen, it is very certainly no fault of the policy which is framed upon such a preposterous principle. But I am not about to argue that any such consequences actually take place. It may or it may not be so in the result; but the tendency of the system is plain. The fact I stop not to examine. I have other facts to state, about which no doubt exists at all. The statements of my excellent friend Mr. Laird, who, with his worthy coadjutor, Mr. Oldfield, have recently returned from Africa, are before the world, and there has been no attempt made to contradict them. Those gallant men are the survivors of an expedition full of hardships and perils, to which, among many others, the learned and amiable Dr. Briggs, of Liverpool, unhappily fell a sacrifice — an irreparable loss to humanity as well as science.

It appears that the course pursued on the coast is this: the cruiser stationed there to prevent the slave trade, carefully avoids going near the harbour or the creek where the slavers are lying. If she comes within sight, the slaver would not venture to put his cargo on board and sail. Therefore she stands out, just so far as to command a view of the port from the masthead, but herself quite out of sight. The slaver believes the coast is clear; accomplishes his crime of shipping the cargo, and attempts to cross the Atlantic. Now, whether he succeeds in gaining the opposite shores, or is taken and condemned, let us see what the effect of the system is, first of all, in the vessel's construction and accommodation — that is, in the comforts, if such a word can be used in connection with the hull of a slave ship — or the torments, rather, prepared for her unhappy inmates. Let us see how the unavoidable miseries of the middle passage are exasperated by the contraband nature of the adventure, how the unavoidable mischief is needlessly aggravated by the very means taken to extirpate it. The great object being to escape our cruisers, every other consideration is sacrificed to the swiftness of sailing in the construction of the slave ships. I am not saying that humanity is sacrificed. I should of course be laughed to scorn by all who are implicated in the African traffic, were I to use such a word in any connection with it. But all other considerations respecting the vessel herself are sacrificed to swiftness, and she is built so narrow as to put her safety in peril, being made just broad enough on the beam to keep the sea. What is the result to the wretched slaves? Before the trade was put down by us in 1807, they had the benefit of what was termed the Slave-carrying Act. During the twenty years that we spent in examining the details of the question,— in ascertaining whether our crimes were so profitable as not to warrant us in leaving them off, — in debating whether robbery, piracy, and murder should be prohibited by law, or receive protection and encouragement from the State, — we, at least, were considerate enough to regulate the perpetration of them; and while those curious and very creditable discussions were going on, Sir William Dolben's Bill gave the unhappy victims of our cruelty and iniquity the benefit of a certain space between decks, in which they might breathe the tainted air more freely, and a certain supply of provisions and of water to sustain their wretched existence. But now there is nothing of this kind: and the slave is in the same situation in which our first debates found him above half a century ago, when the venerable Thomas Clarkson awakened the attention of the world to his sufferings. The scantiest portion which will support life is alone provided; and the wretched Africans are compressed and stowed into every nook and cranny of the ship, as if they were dead goods concealed on board smuggling vessels. I may be thought to have said enough; but I may not stop here. Far more remains to tell; and I approach the darker part of the subject with a feeling of horror and disgust, which I cannot describe, and which three or four days' gazing at the picture has not been able to subdue. But I go through the painful duty in the hope of inducing your Lordships at once to pronounce the doom of that system which fosters all that you are about to contemplate.

Let me first remind you of the analogy which this head money system bears to what was, nearer home, called blood money. That it produces all the effects of the latter I am certainly not prepared to affirm; for the giving reward to informers on capital conviction had the effect of engendering conspiracies to prosecute innocent men, as well as to prevent the guilty from being stopped in their career, until their crimes had ripened into capital offences; and I have no conception that any attempts can be made to capture vessels not engaged in the trade — nor, indeed, could the head money, from the nature of the thing, be obtained by any such means. But in the other part of the case the two things are precisely parallel, have the self-same tendency, and produce the same effects; for they both appeal to the same feelings and motives, putting in motion the same springs of human nature. Under the old bounty system no policeman had an interest in detecting and checking guilt until it reached a certain pitch of depravity — until the offences became capital, and their prosecutor could earn forty pounds, they were not worth attending to. The cant expression, but the significant one, is well known, — "He (the criminal) is not yet weight enough — he does not weigh his forty pounds," — was the saying of those who cruised for head money at the Old Bailey. And thus the lesser crimes were connived at by some — encouraged, nurtured, fostered in their growth by others — that they might obtain the maturity which the law had, in its justice and wisdom, said they must reach before it should be worth any one's while to stop the course of guilt. Left to itself, wickedness could scarcely fail to shoot up and ripen. As soon as he saw that time come, the policeman pounced upon his appointed prey, made his victim pay the penalty of the crime he had suffered, if not encouraged, him to commit, and himself obtained the reward provided by the State for the patrons of capital felony. Such, within the tropics, is the tendency, and such are the effects of our head money system. The slave ship gains the African shores; she there remains unmolested by the land authorities, and unvisited by the sea. The human cargo is prepared for her; the ties that knit relatives together are forcibly severed; all the resources of force and of fraud, of sordid avarice and of savage intemperance, are exhausted to fill the human market. To prevent all this, nothing, or next to nothing, is attempted. The penalty has not as yet attached; the slaves are not on board, and head money is not due; the vessel, to use the technical phrase, does not yet weigh enough; let her ride at anchor till she reach her due standard of five pounds a slave, and then she will be pursued! Accordingly, the lading is completed; the cruiser keeps out of sight; and the pirate puts to sea. And now begin those horrors — those greater horrors — of which I am to speak, and which are the necessary consequences of the whole proceeding, considering with what kind of miscreants our cruisers have to deal.

On being discovered, perceiving that the cruiser is giving chase, the slaver has to determine whether he will endeavour to regain the port, escaping for the moment, and waiting for a more favourable opportunity, or will fare across the Atlantic, and so perfect his adventure and consummate his crime, reaching the American shores with a part, at least, of his lading. How many unutterable horrors are embraced in the word that has slipt my tongue? A part of the lading! Yes, yes! For no sooner does the miscreant find that the cruiser is gaining upon him than he bethinks him of lightening his ship, and he chooses the heaviest of his goods, with the same regard for them as if they were all inanimate lumber. He casts overboard men, and women, and children! Does he first knock off their fetters? No! Why? Because those irons by which they have been held together in couples, for safety — but not more to secure the pirate crew against revolt than the cargo against suicide — to prevent the Africans from seeking, in a watery grave, an escape from their sufferings. Those irons are not screwed together and padlocked, so as to be removed in case of danger from tempest or from fire; but they are rivetted, welded together by the blacksmith in his forge, never to be removed nor loosened until, after the horrors of the middle passage, the children of misery shall be landed to bondage in the civilised world, and become the subjects of Christian Kings! The irons, too, serve the purpose of weights; and if time be allowed in the hurry of flight, more weights are added, to the end that the wretches may be entangled, to prevent their swimming. Why? Because the negro, with that Herculean strength which he is endowed withal, and those powers of living in the water, which almost give him an amphibious nature, might survive to be taken up by the cruiser, and become a witness against the murderer. The escape of the malefactor is thus provided, both by lightening the vessel which bears him away, and by destroying the evidence of his crimes. Nor is this all. Instances have been recorded of other precautions used with the same purpose. Water-casks have been filled with human beings, and one vessel threw twelve overboard thus laden. In another chase, two slave ships endeavoured, but in vain, to make their escape; and my blood curdles when I recite, that in the attempt they flung into the sea five hundred human beings, of all ages and of either sex! These are things related, not by enthusiasts of heated imagination — not by men who consult only the feelings of humanity, and are inspired to speak by the great horror and unextinguishable indignation that fills their breasts, but by officers on duty — men engaged professionally in the Queen's service. It is not a creation of fancy to add, as these have done, to the hideous tale, that the ravenous animals of the deep are aware of their prey. When the slave ship makes sail, the shark follows in her wake, and her course is literally to be tracked through the ocean by the blood of the murdered, with which her enormous crimes stain its waters. I have read worse than even this! But it will not be believed. I have examined the particulars of scenes yet more hideous, while transfixed with horror, and ashamed of the human form that I wore — scenes so dreadful as it was not deemed fit to lay bare before the public eye! — scenes never surpassed in all that history has recorded of human guilt to stain her pages — in all that poets have conceived to harrow up the soul! — scenes, compared with which, the blood-stained annals of Spain — cruel and sordid Spain — have registered only ordinary tales of avarice and suffering, though these have won for her an unenvied pre-eminence of infamy! — scenes not exceeded in horror by the forms with which the great Tuscan poet peopled the hell of his fancy — nor by the dismal tints of his illustrious countryman's pencil, breathing its horrors over the vaults of the Sistine Chapel! *Mortua quin etiam jungebat corpora vivis!* On the deck and in the loathsome hold are to be seen the living chained to the dead, the putrid carcase remaining to mock the survivor, with a spectacle that, to him, presents no terrors — to mock him with the spectacle of a release which he envies! Nay, women have been known to bring forth the miserable fruit of the womb surrounded by the dying and the dead — the decaying corpses of their fellow-victims. Am I asked how these enormities shall be prevented? First ask me to what I ascribe them, and then my answer is ready. I charge them upon the system of head money, which I have described, and of whose tendency no man can pretend to doubt. Reward men for preventing the slaver's voyage, not for interrupting, — for saving the Africans from the slave ship, not for seizing the ship after it has received them; — and then the inducement will be applied to the right place, and the motive will be suited to the act you desire to have performed.

But I have hitherto been speaking of the intolerable aggravation which we superadd to the traffic. Its amount is another thing. Do all our efforts materially check it? Are our cruisers always successful? Are all flags and all the slavers under any flag subject to search and liable to capture? I find that the bulk of this infernal traffic is still undiminished; that though many slave ships may be seized, many more escape and reach the New World;. and that the numbers still carried thither are as great as ever. Of this sad truth the evidence is but too abundant and too conclusive. The premium of insurance at the Havannah is no higher than 12½ per cent. to cover all hazards. Of this, 4½ per cent. is allowed for sea risk and underwriter's profits, leaving but 8 for the chance of capture. But, in Rio, it is as low as 11 per cent., leaving but 6½ for the risk of capture. In the year 1835, eighty slave ships sailed from the Havannah alone: and I have a list of the numbers which six of these brought back, giving an average of about 360; so that above 28,000 were brought to that port in a year. In the month of December of that year, between 4000 and 5000 were safely landed in the port of Rio, the capital of our good friend and ally, the Emperor of Brazil. It is frightful to think of the numbers carried over by some of these ships. One transported 570, and another no less than 700 wretched beings. I give the names of these execrable vessels — the "Felicidal" and the "Socorro." Of all slave traders, the greatest, — of all the criminals engaged in these guilty crimes, the worst, — are the Brazilians, the Spaniards, and the Portuguese, — the three nations with whom our commerce is the closest, and over whom our influence is the most commanding. These are the nations with whom we (and I mean France as well as ourselves) go on in lingering negotiation, — in quibbling discussion, — to obtain some explanation of some article in a feeble, inefficient treaty, or some extension of an ineffectual right of search, while their crimes lay all Africa waste, and deluge the seas with the blood of her inhabitants. Yet, if a common and less guilty pirate dare pollute the sea, or wave his black flag over its waves, let him be of what nation he pleased to libel by assuming its name, he would in an instant be made to pay the forfeit of his crimes. It was not always so. We did not in all times nor in every cause so shrink from our duty through delicacy or through fear. When the thrones of ancient Europe were to be upheld, or their Royal occupants to be restored, or the threatened privileges of the aristocracy wanted champions, we could full swiftly advance to the encounter, throw ourselves into the breach, and confront alone the giant arm of republics and of emperors wielding the colossal power of France. But now, when the millions of Africa look up to us for help, — when humanity and justice alone are our only clients, — I am far from saying that we do not wish them well. I can believe that, if a word could bring them success, if a wave of the hand sufficed to end the fray, the word would be pronounced, the gesture would not be withholden; but if more be wanted, — if some exertion be required,—if some risk must be run in the cause of mercy,— then our tongue cleaves to the roof of our mouth; our hand falls paralysed; we pause and faulter, and blanch and quail before the ancient and consecrated monarchy of Brazil, the awful might of Portugal, the compact, consolidated, overwhelming power of Spain! My Lords, I trust — I expect — we shall pause and falter, and blanch and quail no more! Let it be the earliest, and it will be the most enduring, glory of the new reign, to extirpate at length this execrable traffic! I would not surround our young Queen's throne with fortresses and troops, or establish it upon the triumphs of arms and the trophies of war,— no, not I! I would build her renown neither upon military nor yet upon naval greatness; but upon rights secured, upon liberties extended, humanity diffused, justice universally promulged. In alliance with such virtues as these, I would have her name descend to after ages. I would have it commemorated for ever, that, in the first year of her reign, her Throne was fortified and her Crown embellished, by the proudest triumph over the worst of crimes—the greatestt riumph mortal ever won over the worst crime ever man committed!

The Noble Lord then presented the following petitions for the emancipation of negro apprentices: — of the ministers and dissenting congregations of Tunstall; Hanley; Selby; South Huish; Sherford; Churchstow; Holbeton; Woodleigh; Modbury; Haleville; Kingmore; Kingsbridge; Marlborough; and Avetongifford; and of female inhabitants of Kingsbridge and Dodbrook. — Read and ordered to lie on the table.

The Noble Lord then moved an address for a copy of instructions to her Majesty's cruizers on the coast of Africa regarding the slave trade: Also,

Amount of money paid to captors of slave vessels during the years 1830, 1831, 1832, 1833, 1834, 1835, 1836, and 1837, distinguishing each year: Also,

The amount of the sums for which all slave vessels captured and condemned have been sold, for the same years, distinguishing each year: Also, Copies of all correspondence relating to the practice of giving head money: Also,

Copies of orders in council respecting apprenticeship, of March and July, 1837: And also,

Copies of all memorials or correspondence on the said orders in Council, or preparatory to issuing the same.

The EARL of MINTO. — After the eloquent speech of the Noble and Learned Lord, and the severe attack which he has made on the officers of the profession over which I have the honour to preside, your Lordships will naturally expect a few observations from me. The greater part of the speech of the Noble and Learned Lord was directed to prove that, in consequence of the payment of head money, the officers employed to put down this traffic are induced to neglect their sacred duty and the orders of their country, and to allow the escape of vessels fitted out for this most iniquitous traffic. Here I must remark, that the statements so powerfully addressed to your Lordships by the Noble and Learned Baron of the horrors of the slave trade are not in the slightest degree exaggerated. But to return to what I was going to say. The Noble and Learned Lord has directly imputed to those officers that, in consequence of the profit they derive from head money, they are induced to allow vessels to pass in to the coast to get a cargo, in order that they may be captured on returning. To use the Noble and Learned Lord's own words, those gallant officers are induced to allow vessels equipped for the slave trade to escape in order that they may weigh enough; they are induced to watch at the mouths of the rivers, and to wait till the slaver has taken in a cargo. Now, I will not say that not a single such instance has occurred; but, with all the opportunity I have of acquiring information, I can say that no such instance has come to my knowledge, nor do I believe that any such exists. I regret that the Noble and Learned Lord should make such charges without bringing forward a single case in which such neglect of duty can be proved. It may be perfectly true that in many cases the officers may find it necessary to allow the vessels to take in a cargo before they can attempt to capture them, as they may not until then become subject to the equipment article of the treaty. But there are many cases in which they take a contrary course; and I can assure your Lordships that the only complaint I ever heard against the officers is, that they are too ready to take these vessels, that they are too little careful of themselves, and that they do not sufficiently attend to their own security against prosecutions. Had any such instances as those referred to by the Noble and Learned Lord occurred, the officers so guilty would have justly lost their commissions; but I must say that no such instance have I ever heard of. On the contrary, every letter I receive from those who are thus employed laments the difficulties in the way of obtaining the means of the capture and conviction of these vessels until the cargo is embarked, and they all urge the conclusion of further treaties. If these treaties were extended to all those nations under whose flags the slave trade is carried on, there would be no difficulty in putting down the traffic; but as long as those treaties remain in the state they are in at present, it will be impossible effectually to put down the traffic. The case is not the same with regard to Spain and Portugal; because, with the latter country, we now have a treaty which effectually enables us to effect the capture of the slavers; but with Portugal this is not the case, and the consequence is, that a great part of the traffic is carried on under Portuguese colours, and the cruisers of this country are unable to capture the vessels until they have taken in a cargo. The Noble and Learned Lord, in the course of his eloquent and forcible speech, in strong terms condemned the conduct of the Government for being on friendly intimacy with nations which recognise this most detestable traffic. When the Noble and Learned Lord held a high official situation in the Government of this country, why did he not take this subject into consideration? But has there been no change? Has not the present Government at least obtained this advantage, that the Spanish flag will no longer cover this traffic? I beg pardon for making these few observations, but I could not listen to such insinuations against the profession over which I have the honour to preside; — I could not hear them compared to the police officers of the Old Bailey, — without offering some defence and making some explanation.

LORD BROUGHAM. — It is natural for the Noble Lord to disclaim the imputation of allowing slave ships to escape. I regret, however, that he should have so much clouded his recollection, since by me not only has no such imputation been made, but it is distinctly and specifically disclaimed. My question is this, — whether it is true that, there being a slaver on the coast of Bonny or Calabar, which was known to be there, and which the cruisers knew to be there,—whether it is true, or not, that the cruiser, instead of co-operating with the authorities, and preventing the unhappy cargo from being embarked, went out to sea just far enough not to be seen, but not so far as not to see the port, and there waited until the vessel came out? It may be very easily said, that this was done to entice out the vessel, in order to capture her. Yes; but it enabled the ship to put, in the mean time, its unhappy cargo of human beings aboard. Is it, I will ask, true, or not, that they enabled these vessels to come out, thus running the risk of tempting the master and crew of the slaver to throw overboard its human cargo, in order to lighten the vessel? It is very possible that I have been misinformed; but I can refer to an excellent authority in the work lately published by Mr. Laird. As to the statement of the Noble Earl, that when I was in the Government nothing was done to remedy the evils, I beg to say that circumstances have very much altered since then. Neither Spain nor Portugal is now precisely in the same condition that she was in at that time. This country has now much more weight in Lisbon, if any power can have weight or influence in such an anarchical form of government. Again, the Government of Spain is entirely dependent on this country, which was not the case in the reign of Ferdinand VII. This country has allowed General Evans to go over with an army, and has given the Spanish Government the use of its marines under Lord John Hay, a favour which appears to me to entitle us to considerable influence with that Government. With regard to France, I can state that there is a more decided feeling at the Tuilleries, within the last twelve months, against the slave trade, than there ever was before; and I have no hesitation in saying, that the Government of this country will not have done its duty to the character of this nation, or to the cause of humanity, if they do not take immediate steps, with France, to put down the slave trade at all hazards; hazards which are in reality nothing, and for which we have given them twenty millions.

The EARL of MINTO.—As I understand the Noble and Learned Lord's question, it is this,—whether or not it is the case that her Majesty's cruisers lie off the mouths of rivers, in which they have reason to know that a slaver has entered, long enough to allow the cargo to be taken on board, in order that they may capture the vessel when she comes out? I must repeat what I have said, that if any officer of a cruizer knowing that a slave vessel had gone into a river into which he could safely follow her, for the purpose of taking in a cargo of slaves, that vessel being under colours which entitled such cruiser to capture her under the equipment article;—any officer failing to do so, and waiting till the vessel got a cargo, would be guilty of a breach of duty; and if it came to my knowledge, that officer would be called to account. But I know of no such case. I do know of many instances in which officers have been unable to follow vessels, or have been unable to seize them, because they carried flags which did not come under the equipment article. I hope that the distinction is sufficiently intelligible. There is nothing which an officer would desire more than to have an opportunity of getting into the rivers, and of taking these vessels before they got their cargoes, if they were entitled so to do. Such things are of constant occurrence. Some of the most gallant actions have been performed in this way, and by very young officers. A remarkable instance occurred not long ago, when a midshipman was directed to enter a river in a boat, in order to obtain information about a suspicious vessel, to learn what colours she sailed under, and what men she had on board. He met the vessel coming down the river, he boarded her with his six men, and, though she was armed with thirty, he captured her and brought her out. There are hundreds of such cases. But it is preposterous to suppose that officers of her Majesty's navy, on seeing vessels running up a river with the Portuguese flag flying, would expose themselves to censure before the Board of Admiralty for breach of their duty by following those vessels. The only way in which effectual service can possibly be done is by lying out, as described by the Noble Lord, and, when the slave vessels come out, boarding them, which then, and not before, they are entitled by law to do. As to the case quoted by the Noble Lord, I have no knowledge of any such having happened; and with respect to what has fallen from him on the subject of our relations with foreign countries, I beg to say, that the treaty between this country and Spain, regarding the slave trade, is all your Lordships can wish for.

LORD BROUGHAM.—I come at once to the point, and ask, can there be the slightest objection to the total abolition of head money, and to giving rewards according to the tonnage of the captured vessel in lieu of it?

The EARL of MINTO.—It really appears to me, that the Noble and Learned Lord has made out no case to show that head money has the effect which he has described; at the same time, I do not mean to say but that it may have that effect. Head money is continued; and, in certain cases, a reward is given according to the tonnage of the vessel.

LORD BROUGHAM.—The Noble Earl shows a total misconception of my proposition, and of the whole argument; for it is not that tonnage money would do good, but that head money does harm; and, consequently, what I require is, to abolish the one, and not to give the other, which, except as a substitute, is wholly useless.

LORD ELLENBOROUGH.—I certainly think the proposition of the Noble and Learned Lord a very good one, and that there can be no objection whatever to adopting it, if your Lordships are really anxious to put down the odious and criminal traffic. With regard to remuneration, I consider that, in cases of gallant actions having been achieved by young officers, it ought to be as great as when large vessels make a capture on the open sea, and where but slight peril at least is encountered. The Noble and Learned Lord has, in my opinion, ably described the horrors which follow from a slaver being pursued; and I have no doubt but that there is an inducement to the master slaver to destroy the slaves on board, in order that the reward of those who pursue them may be lessened.

LORD ASHBURTON.—I think that, if there were no objection to putting a reward upon the tonnage, it would be a most desirable object to effect. It is my opinion, that the House and the country are greatly indebted to the Noble and Learned Lord for the manner in which he has exposed the enormities that are practised and carried on in the slave trade. The people of this country think there is an end put to slavery, and every means are used to continue the delusion; so much so, that we hear a boast made of a treaty with Bolivia, a state which has never been guilty of slavery. Something is always doing to please and gratify the country in this respect; while, at the same time, it is notorious that for years past the trade has been carried on to as great an extent, and with a degree of cruelty tenfold what it was formerly. I believe that, if we had not meddled at all with the slave trade carried on under the Spanish and Portuguese flags, we should have done much less injury than we have done. We ought not, I think, to have meddled with it at all. I consider the state of things, with regard to this trade in Portugal, as most unsatisfactory, and such as this country ought not to suffer to continue. It should be particularly remembered, by the branch of the royal family that is now on the throne of Portugal, that they were placed there through the means and by the exertions of this country. England fitted out a fleet, and blew out of his capital the Dey of Algiers, because he made slaves of persons belonging to Christian countries; and yet, with this fact before us, we suffer the little kingdom of Portugal to carry on a trade which is shocking to every human feeling. In conclusion, I repeat, that the country is greatly indebted to the Noble and Learned Lord for the exposure of the slave trade, as it is at present practised.

LORD GLENELG.—I agree in all that has been stated by the Noble Lord who has just sat down; and I can assure your Lordships that the Government feel most anxiously upon this subject: and my Noble Friend who is at the head of the Foreign Department, is engaged with the authorities in Portugal in carrying into effect the wishes the country entertains regarding it. I agree with the Noble Lord opposite (Lord Ashburton), in thinking that the horrors which are now taking place would, most probably, not have existed if we had not meddled at all with this trade: yet, if we had not interfered in it, we should not have satisfied the country; nor could we hope to bring it to such a conclusion as all parties desired. It is very difficult, at all times, to know how far we ought to proceed in dealing with other states, without trenching upon that respect which is due to a sovereign power, and which if we do trench upon, may involve us in consequences which I am sure no man here will say that we ought at once to encounter. The representations made by my Noble Friend, I believe, are not at all exaggerated; this I certainly do believe, from the information I have received from all authentic quarters. But I do not think that my Noble and Learned Friend has been able to trace all the horrors of this traffic to the head money. Yet I do not deny but that they may be traced to it. They have not, however, been traced to it,—they have not been proved to be so. But I admit that the head money holds out an inducement to the slavers to act in the manner that has been described. The occurrence is likely to take place with other powers, where an equipment article is agreed to. The system of head money, it is to be observed, was established by men who were deeply interested upon this subject; who were actuated by the feelings of humanity; and who, from every information they could collect, came to the conclusion that it ought to be given. I am not able to state the merits of the system from an accurate examination into it, but it is plain that it was intended for the purpose of animating the exertions of the crews, more even than those of the officers, and also to ensure the good treatment of the slaves after they have been captured. I am sure it will be admitted that to officers and men engaged in those pestilential seas, it is but right they should receive some reward for their exertions. In cases where the equipment article exists, there certainly is an inducement for captains to allow vessels to be laden before they capture them. As to head money itself, it is a proposition to which the attention of my Noble Friend is directed, and which will be considered by him along with other members of the Government. The only country that now carries on an extensive traffic in slaves is Portugal. I deeply regret that it does so; as it is not only a violation of the laws of humanity, but the course thus pursued may also be regarded as in direct violation of its relations with this country. The utmost endeavours of my Noble Friend at the head of the Foreign Department are directed to the bringing this matter to a satisfactory issue with Portugal; and I hope, in a short time, to be able to say that that object has been effected.

The motion, for Returns, was then agreed to.

LORD REDESDALE.—It was my intention to move for copies of all despatches received by the Colonial Office from the Governors of her Majesty's colonies of Nova Scotia, New Brunswick, and Prince Edward's Island, during the year 1837, and the date of each despatch; but I understand there is some objection to their production.

LORD GLENELG.—The copies of the despatches cannot be produced, but I am ready to tell the Noble Lord the dates of the times at which they were received.

NATIONAL EDUCATION.

The EARL of DEVON presented a petition in favour of national education from the mayor, aldermen, and burgesses of the city of Exeter, in council assembled.—Read, and ordered to lie on the Table.

SLAVERY.

The DUKE of SUTHERLAND presented a petition from Etruria, in Staffordshire, praying for the immediate emancipation of negro apprentices.—Read, and ordered to lie on the Table.

PAPERS, &c.

On the motion of LORD ELLENBOROUGH, the following were ordered; viz.:—

Account showing the rates of the several duties levied, in the ports of each of the North American provinces, upon the import of the produce and manufactures of the United Kingdom; of the other British colonies; of the British dominions beyond sea, and of foreign countries, respectively: specifying whether such duties are levied under Acts of the several provincial Legislatures, or of the British Parliament. And, also, account showing the rates of the several duties (if any) levied under Acts of the several provincial Legislatures, or of the British Parliament. And, also, account showing the rates of the several Legislatures of the North American provinces, upon the import into such provinces, respectively, of the produce and manufactures of each other.

Copies or extracts of correspondence relative to the affairs of Lower Canada and Upper Canada (in continuation of papers presented on the 23d of December last, and the 16th instant).—Delivered.

Further account of all sums of money awarded by the Commissioners of Slavery Compensation, specifying the date of each order, the parties to whom the payment is awarded, and the colony or settlement in respect of which it is awarded, on litigated claims. Also,

Further account of the total amount of the sums claimed, respecting which no award has been made, distinguishing the colonies. And, also, statement of the amounts awarded on the uncontested and contested claims; of sums paid into the High Court of Chancery, under orders of that court, to the credit of particular claims; and of sums transferred by order of the colonial courts.

Severally delivered (pursuant to order of the 24th of November last, and to be printed.

Copies of Treasury Minutes granting special superannuation allowances to Mr. Barnard, clerk in post office, Liverpool; to William Muggeridge and George Pooke, coast-guard boatmen. And, also,

Account of payments on account of the Russian-Dutch loan in 1837.

Severally delivered (pursuant to Acts), and ordered to lie on the Table.

Adjourned.

HOUSE OF COMMONS.

PRIVATE BUSINESS.

Ellesmere Roads; Dee Bridge Road. — Petitions for Bills severally referred to the Select Committee on Petitions for Private Bills.

Cheltenham and Great Western Railway. — Petition of Lieutenant Colonel Charles Cother, complaining of non-compliance with the Standing Orders.

Torquay Roads. — Petition of Samuel Dendy, to the same effect.

Eastern Counties Railway. — Petition of David Rowland, to the same effect.

Ribble Navigation. — Petition of Owen Tickell Alger, to the same effect.

Severally referred to the Select Committee on Petitions for Private Bills.

Exmouth Market Bill, — "For regulating the market in the town of Exmouth, in the county of Devon." — Presented, and read a first time; to be read a second time.

PUBLIC BUSINESS.

RETURNS, &c.

The following Returns, &c. were severally presented; viz.: —

Slavery Compensation. — Further Return of money awarded by the Commissioners of Slavery Compensation, showing the parties, the colonies, the number of slaves, &c. (ordered the 6th of December).

Liverpool Mails. — Returns of packets, postage, &c. to and from South Wales and Waterford (ordered the 8th of December).

Superannuation Allowances. — Copies of Treasury Minutes, granting special superannuation allowances (by Act).

Russian Dutch Loan. — Account of sums applied, in 1837, on account of the Russian Dutch Loan (by Act).

Dublin Society. — Copies of communications between the Irish Government, the Treasury, and the Dublin Society, since the Report of the Committee (ordered the 1st of December).

To lie on the Table.

Tithes.—On the motion of Mr. JAMES, a Return was ordered —

Of the number of notices and agreements for commutation received by the Tithe Commissioners for England and Wales, from the 1st of June, 1837, to the 1st of January, 1838; being in continuation of their Returns laid upon the Table of this House on the 7th of June last.

Poor Law Unions. — On the motion of Mr. WAKLEY, Returns were ordered,—

From medical officers, of the number of cases of each particular disease and accident discharged, and the deaths from each particular disease and accident, at the subjoined ages; distinguishing the married and unmarried, male and female, out-door patients and workhouse patients, under 5 years of age, and between 5 and 10, 10 and 20, 20 and 30, 30 and 40, 40 and 50, 50 and 60, 60 and 70, 70 and 80, 80 and 90.

From the relieving officer, of—

1. The average constant number of all classes of paupers in receipt of any parochial relief, except medical; distinguishing those who are in the workhouse.

2. The total number of persons relieved in or out of the workhouse; distinguishing the latter.

3. The number of orders. 1. For medical relief. 2. For relief of any other description, excepting medical. 3. The total number of orders for relief.

From the clerks of the unions, of—

1. The number of medical men who have held office in the union since it was first formed.

2. In what way the medical appointments were made, and how many of those appointments were made by tender, and in how many cases the lowest tender was not accepted, in how many cases the salary was fixed in a public advertisement, and what special conditions, if any, were included in the contract.

From the masters of workhouses, of—

1. The average number of males and females constantly in the house, from daily or weekly enumeration.

2. The average number of—1. Sick. 2. Infirm. 3. Healthy persons, constantly in the house.

3. The total number of males and females 1. Admitted. 2. Discharged (deaths inclusive), and the total number of deaths.

4. The total number—1. Admitted ill. 2. The total number attacked after entering, and the deaths among this class.

5. The ages of—1. The sick. 2. The infirm. 3. The healthy in the house at the time the Return is made.

Fire and Marine Insurances. — On the motion of COLONEL SIBTHORP, accounts were ordered —

Of all sums paid into the Stamp Office for duty by each insurance office in Great Britain and Ireland, on insurance from fire and life, for the quarters ending the 25th of March, 24th of June, 29th of September, and 25th of December, 1836; distinguishing the amount of allowance made to each office for collecting the same in the country, London, Edinburgh, and Dublin, respectively; with the dates of such payments for one year, from the 25th of December, 1836.

Of the duty paid into the Stamp Office on marine insurances, for the same period.

Lead and Lead Ore.—On the motion of Mr. CAVENDISH, a Return was ordered —

Of the imports and exports of lead and lead ore for the last year, ending the 5th of January.

Soodan Blacks. — On the motion of Mr. WARBURTON, an address to her Majesty was ordered for —

Copies of, or extracts from, any correspondence received by her Majesty's Secretary of State for Foreign Affairs, respecting the annual incursions against the blacks of Soodan by the troops of Mahommed Ali, Pacha of Egypt, and respecting the mode in which the prisoners taken on such incursions are disposed of.

Wool and Woollen Manufactures. — On the motion of Mr. BAINES, Returns were ordered —

Of the quantity of sheep and lamb's wool imported into the United Kingdom in the year 1837; specifying the countries from which it came, the quantity that paid a duty of one penny per pound, and the quantity that paid a duty of one halfpenny per pound.

Of the quantity of foreign wool, &c. re-exported during the same period, and the countries to which it was sent; and of the quantity remaining warehoused under bond on the 5th of January, 1838.

Of the quantity of British sheep and lamb's wool, and woollen yarn, exported from the United Kingdom in the year 1837; specifying the countries to which they were sent.

Of British woollen manufactures exported from the United Kingdom in the year 1837.

Hops. — On the motion of Mr. ALDERMAN HUMPHERY, accounts were ordered —

Of the total number of acres of land in Great Britain under the cultivation of hops in the year 1837; distinguishing the number of acres in each parish.

Of the duty on hops of the growth of the year 1837; distinguishing the districts, and the old from the new duty.

Of the quantity of hops exported from Great Britain to foreign countries, from the 5th of January, 1837, to the 5th of January, 1838; distinguishing the countries to which the same have been exported, and also the quantities to each country; also, British from foreign growths, and the dates of the years in which the British hops were grown.

Malt. — On the motion of the same Honourable Member, an account was ordered —

Of the total number of quarters of malt made between the 5th of January, 1837, and the 5th of January, 1838, in the United Kingdom; distinguishing the quantity in each country, and the quantity used by brewers, and victuallers, and retail brewers.

Brewers. — On the motion of the same Honourable Member, an account was ordered —

Of the number of persons in each of the several collections in the United Kingdom licensed as "brewers," "victuallers," "to sell beer to be drunk on the premises;" stating the number of each class who brew their own beer, and the quantity of malt consumed by them; particularising each class in each collection, from the 5th of January, 1837, to the 5th of January, 1838.

PUBLIC PETITIONS COMMITTEE.

Fifth Report brought up by Mr. Fazakerley. — Read, to lie on the Table, and to be printed.

MISCELLANEOUS PETITIONS.

The following petitions were severally presented; viz.: —

Fishguard Harbour Act, — From Pwllheli, Nevin, and other places, for repeal of clauses imposing passing tolls. — To lie on the Table.

Post Office, — By Lord Worsley, Mr. Divett, and other Honourable Members, for an uniform and low rate of postage, — from council of the borough of Plymouth; corporation of Kingston-upon-Hull; and corporation of Exeter. — Severally referred to the Select Committee on Postage.

Negro Apprenticeship, — By Mr. Parrott, Mr. Divett, Mr. Baines, and other Honourable Members, for abolishing the system, — from the corporation of Exeter; Churchston; Halwill; Woodleigh; Avetongifford; Holberton; Ringmore; Marlborough; Modbury; Sherford; Chivelstone; South Huish; Kingsbridge; Kingsbridge, Dodbrooke, and vicinity; and Selby.

Apothecaries Act, — By Mr. Pemberton and another Honourabe Member, for amendment of the Act empowering magistrates to summon before them parties charged with illegally prescribing or practising medicine, — from Wakefield and Ripon.

Civil List, — By Sir Samuel Whalley, — from St. Pancras, complaining of the amount granted.

Ballot, &c., — By Sir Samuel Whalley, Mr. A. White, and Mr. Grote, in favour of,—from St. Pancras; Sunderland; Framlingham; Stradbroke; and Orsett.

Patterns and Inventions Bill, — By Mr. Mackinnon, in favour of, — from John Collier; and Orsmond Stickery and others.

Education, — By Mr. Divett and another Honourable Member, praying for the establishment of a national system of education, — from corporation of Exeter; and Charles C. Benett, Esquire, mayor of Lyme Regis.

Shipbuilding Trade, — By Mr. Alderman Thompson, — from Sunderland, for the reduction or repeal of the duty on indentures of apprenticeship thereto.

Handloom Weavers, — From Tideswell, complaining of distress, and praying relief.

Shipping Gazette, — From Harwick, for exemption from postage thereon.

Registration of Births, &c. Act, — By Sir Robert Inglis, — from the clergy of Leeds, for alteration thereof.

Glasgow Cotton Spinners, — By Mr. Wakley, praying the intercession of the House on their behalf, — from Charles Frederick Barns, chairman of a meeting of inhabitants of Brighton; and Feargus O'Connor, chairman of a meeting calling itself the Great Radical Association of London.

On presenting the above petitions, the Honourable Member said: — The petitioners declare that it was not their intention to convey any insult to the House of Lords in the petition presented last week, as their sole object was to serve the unfortunate convicts. They pray that the prisoners' counsel may be heard at the bar to plead for a mitigation of the sentence. Now, although I admit the great importance of the case, I think it would be establishing a bad precedent to make this House a place of appeal from the law courts. I therefore will not found a motion on the petition; but I hope that the House, before long, will give a patient hearing to the statements that shall be made by an Honourable Member not connected with the legal profession. I beg leave to observe that I will bring forward my motion in favour of the prisoners on Tuesday week, the day appointed by the Noble Lord (Lord J. Russell)

ADJOURNMENT OF THE HOUSE.

LORD JOHN RUSSELL. — I move that the House, at its rising, adjourn till Friday next. I was not in the House on Saturday last, or I should then have given notice of the motion I now make; but I believe it was the general understanding that the House would adjourn for some days. As there is business on the paper for Friday next, I propose that the House should adjourn to that day.

Mr. HAWES. — I have been requested by one of the messengers of the House to state, that the exclusion of the public from the galleries, on Saturday last, arose from an accidental mistake on his part. I need not assure the House that the Government had nothing to do with it.

House, at rising, to adjourn till Friday.

CANADA.

Mr. Leader presented petitions praying the House to refuse their support to the war now carrying on in Canada, — from Thomas Hill, chairman of a meeting of inhabitants of Bradford (York); Lambeth (ten petitions); Southwark (two petitions); Finsbury (three petitions); Westminster (eight petitions); St. Clement Danes; Kingsland Road; Chelsea; Poplar; St. Marylebone; Paddington; St. John Street, Clerkenwell; Walworth; Whitechapel; and London.

LOWER CANADA GOVERNMENT BILL.

LORD JOHN RUSSELL having moved the Order of the Day for the third reading of this Bill, —

SIR G. SINCLAIR said: — As I have never taken part in any of the discussions respecting the affairs of Canada, during the present or any former Session, I will take the liberty, on this occasion, to trespass on the patience of the House for a very brief space. I believe that never was there a Bill introduced to which, during its progress through the committee, so much was added, or from which so much was taken away, as has been the case with the one now before the House. I assure the Noble Lord that his acquiescence in the very seasonable suggestions of my Right Honourable Friend the Member for Coventry excited no surprise on this side of the House. Without pretending to the gift of second sight, I, at once, felt persuaded that the Noble Lord would give the preference to second thoughts. And this result was anticipated by all the Gentlemen who sit around me as soon as they heard the very first sentence of the very able, lucid, and useful speech of my Right Honourable Friend — so useful to the country, and, at the same time, so useful to the Government. I know not whether my Right Honourable Friend is in the habit of killing two birds with one stone, but he has certainly attained two objects in one speech. He has, in this instance, both shown his patriotism and served his party. I do not, for one moment, imagine, after the disclaimer of my Right Honourable Friend, that he had communicated his views beforehand to the Noble Lord; but his own sagacity and experience must have convinced him, that such a complimentary precaution would be quite superfluous; and, without any assurance from the Noble Lord's own mouth, he must have known that he was rendering a most essential service to the Government — extricating them from a notable dilemma, and sparing to them the danger and mortification of a defeat, which was probable, in this House, and inevitable elsewhere. This proposition must have come like a godsend upon the astonished mind of the Noble Lord; he must have felt, that —.

> Quod optanti Divûm promittere nemo
> Audebat, volvenda dies en attulit ultro.

If a fire had occurred in Downing Street, and my Right Honourable Friend, without giving any previous intimation, had opportunely hurried with an enormous engine to the Noble Lord's dwelling, and succeeded in extinguishing the flames, he would be just as certain that he was rendering to the Noble Lord an invaluable service as if he had given previous notice of his intention. I am very desirous to record the expression of my deep sorrow and heartfelt reluctance at supporting a Bill so despotic in its principle, and, till amended, so objectionable in its provisions; but the misconduct of her Majesty's Government has reduced Canada to such a state, that I am compelled to adopt this course by a paramount sense of duty, and by the entire absence of an eligible alternative. I, at one time, entertained a hope that it might have been possible to have given the constituencies of Lower Canada another trial by allowing them once more to elect a House of Assembly, and should have gladly adopted this plan, in the hope that by the result of recent transactions, the majority of the rebels would have been humbled, sobered, and undeceived.

But, Sir, I am deterred from acceding to any such proposal by the effect which must be produced on the minds of the colonists by the speeches of those gentlemen, both here and out of doors, who call themselves the friends of the Canadians, although, by fostering their prejudices, and exaggerating their grievances, they are, in fact, the worst enemies to the peace and prosperity of the province. If these orators had lamented the imprudence and folly of the insurgents, had expatiated upon the benefits which they derive from the continuance of British connection, and had expressed a loyal desire for the success of her Majesty's forces — in short, if their speeches had resembled that of the Right Honourable Member for Coventry, the manifestation of such opinions on their part might have greatly tended to restore a sound and constitutional tone of feeling throughout Canada. But their harangues have been characterised by language the most inflammatory and the most revolting, and derive additional importance, as well as inflict additional injury, from the circumstance, that most of the gentlemen by whom they were pronounced received, during the last general election, the most cordial and active support on the part of her Majesty's Ministers. The Controller of the Household, if I am rightly informed, was chairman of the Honourable Member for Westminster's (Mr. Leader's) committee. The Attorney General was on the hustings at Brentford, as a partisan of the Member for Kilkenny; and I believe that no tradesman could obtain the renewal of a warrant for employment in her Majesty's household, if he presumed to vote for Sir George Murray, who would have so ably supported her Majesty's Government on this occasion. It must, therefore, be supposed that the Canadians will suspect her Majesty's Ministers of not being in their hearts so hostile as they now pretend to be to the sentiments of the very representatives whose returns they were the means of securing. Sir, I altogether disapprove of the policy pursued by her Majesty's Government. I wish that, at the close of last Session, they had adopted those views as to the urgency of the case which were entertained by every class of politicians, with the exception of the Ministers themselves. They would not have incurred the heavy responsibility of neglecting to take such precautionary measures as might have prevented those scenes of carnage and desolation which all parties concur in deploring. I am quite willing to vote for such reinforcements of troops and such supplies of money as may be necessary for the due maintenance of her Majesty's legitimate authority, and for the protection of our loyal fellow-subjects in Canada, who, if the insurgents had succeeded, would doubtless have been exposed to murder, exile, or confiscation. Sir, I wish to speak with very high respect of the talents, acquirements, and experience of the Earl of Durham; and the only considerations which disconcert and alarm me, in reference to the Noble Lord's appointment, are the expectations entertained and the eulogiums pronounced by the philosophical Radicals, or Radical philosophers, on the other side of the House. I myself, Sir, wish to speak with unaffected esteem of the ability and the honesty of those Gentlemen, however much I may differ from their views; but, in the *Morning Chronicle* of this day I find them described, — "They form but a very small section of the Radical Reformers, and their object seems to be to form a still smaller section by their intolerance and insufferable self-conceit."

Such, Sir, is the language used by the leading Ministerial organ, in reference to the very men without whose gratuitous assistance its patrons could never have climbed into place, and without the continuance of whose powerful aid they would soon relapse into insignificance. Sir, I certainly admit that the constitution of Canada ought to occupy a prominent place in the catalogue of its grievances, but I understand this statement in a very different sense from that which many gentlemen attach to it. It appears to me that we could not render a more essential service to Canada, or take a step more calculated to insure good government, than if we raised the qualifications which give a right to the elective franchise. What kind of representatives can we expect to be chosen by constituents, an overwhelming majority of whom can neither read nor write? Is it not far more probable that they will select Jack Cades and Massaniellos than John Hampdens or Algernon Sidneys, and that the Noble Lord would have a better prospect of success than his distinguished ancestor, Lord Russell? The present system, unhappily, strengthens the hands and facilitates the manœuvres of certain mischievous demagogues and factious incendiaries, who, by pandering to the worst passions of human nature, have rendered a large proportion of an ignorant, unsuspecting, and excitable peasantry the dupes of their misrepresentations, the tools of their intrigues, and the victims of their ambition, and who, when defeat has taken place, or rather, as soon as conflict is impending, are found to skulk in quest of personal safety into some contiguous province, afraid to face the storm which they themselves have raised, or to participate in the dangers in which thousands are involved through their reckless and desperate machinations. But, Sir, I cannot help taking this opportunity to notice a subject of still greater importance than the Bill which we are now discussing, although, by no means, remotely connected with it — a subject which involves not only the interests of Canada, together with those of our other dependencies, but the welfare of the mother country, and the stability of our institutions. Are her Majesty's Ministers entitled, in point of influence, or competent, in point of ability, to preside over the destinies of this great empire? Are they actuated in their general policy by the principles of justice, firmness, discernment, and consistency? Do their *bonâ fide* partisans constitute even a numerical preponderance within these walls? Do they themselves command the respect or enjoy the good will of our constituents out of doors? I deny all these propositions. If a call of the House were to take place to-morrow, and every Member, on answering to his name, were obliged to lay his hand upon his heart, and to declare upon oath whether he has or has not confidence in the statesmanlike wisdom and political integrity of the Government, I feel persuaded that a very large majority would be compelled to answer that question in the negative.

With regard to the sentiments of the British nation, the respectable, intelligent, and religious classes throughout the length and breadth of the land, are lost in astonishment when they consider the general conduct of her Majesty's Ministers, — at the suddenness with which they trim, and at the shabbiness with which they truckle. Their tortuous and vacillating course, their veerings round on the one day, and their backings out on the next, are viewed not only by every straightforward Conservative with disgust, but by every honest Radical with indignation. Take, for instance, their proceedings with regard to Canada, which are so strictly in keeping with their virtual abadonment of the Irish appropriation clause, or the artful suspension of the English Church Rates Bill. They were repeatedly warned by both sides of the House, in the course of last Session, that by their uncertain and fluctuating system they would neither satisfy the loyal, nor confirm the wavering, nor overawe the disaffected; the were assured that, in order to carry their own measures into effect, a large increase of force was indispensable, and yet they were contented to persist in a set of feeble and meagre resolutions, sufficiently offensive to provoke resentment, — sufficiently tame to encourage resistanee. They seem to have inverted the old adage, as if they deemed cure more expedient than prevention. They are at this moment only preparing the armament which ought to have reached Canada, or the adjacent provinces at least, four months ago. The Government has now reached the nadir of political ignominy, and is presenting to the world such a spectacle as was never before exhibited by British statesmen,—that of a Ministry distinguished by these striking and anomalous characteristics, — office without power, support without confidence, pretension without talent, and profession without performance. They can neither manage the affairs of the country, nor carry through the business of this House, without the superintendence and advice of a Right Honourable Friend near me, who is not more conspicuous for his immeasurable superiority in all those intellectual endowments which adorn the character of the statesmen and insure the respect of the country, than for the unparalleled forbearance, and almost chivalrous magnanimity with which he conducts his opposition to the very politicians from whom, when he himself was in office, he never obtained even common justice.

Sir, I am quite aware that from his brilliant position in the world, my Right Honourable Friend may be as indifferent to the patronage and emoluments of office as his antagonists are tenacious of its influence and advantages; that the acceptance of power involves almost as great a sacrifice on his part as the forfeiture of place upon theirs; but I trust that he will no longer rest satisfied with correcting blunders and preventing mischief, — that he will soon be placed at the head of an Administration which will, at all events, pursue a straightforward and intelligible course. The country will then cease to endure the misfortune, and submit to the mortification, of being misgoverned by a selfish and slippery Cabinet, who feebly maintain their ground by the discreditable expedient of playing two parties against each other, of each of which they stand equally in dread, and by both of which they are equally despised.

SIR HARRY VERNEY. — I do not consider the support of the Right Honourable Baronet the Member for Tamworth, with respect to the Canada Bill, has been so chivalrous as my Honourable Friend has just represented it to be. On the contrary, I consider that conduct to have been totally the reverse. In talking of the Bill, my Honourable Friend has not been able to point out any part of the conduct of her Majesty's Government with respect to it that he could justly condemn. As to what my Honourable Friend has adverted to with regard to the not sending additional troops to Canada, the conduct of the Ministry in that respect has been approved of by his Grace the Duke of Wellington.

Several HONOURABLE MEMBERS. — No, no, no!

SIR HARRY VERNEY. — Notwithstanding the contradiction of Honourable Members opposite, I assert that his Grace the Duke of Wellington, with that noble independence of party which has always distinguished him, absolved her Majesty's Ministers of blame for not having sent additional troops to Canada. It is true his Grace said that the garrisons in New Brunswick and Nova Scotia might be strengthened with advantage. But I contend that if that had been done, the moral effect of the whole transaction would not have been as complete as it has been at present. The event has justified the conduct of Government. The Government cannot be blamed for the insurrection in Canada. The Honourable Baronet himself agreed to the resolutions regarding Lower Canada, although he now condemns them. Why did not the Honourable Baronet condemn them when they were first brought forward? The Honourable Baronet did not do so; he acquiesced in the resolutions, and now he is one of the first to come forward and complain of them as the cause of the insurrection. I am glad that the Honourable Baronet, in commenting on the general conduct of Government, was unable to find fault with the selection which they have made of Lord Durham as a mediator with the colonies. It certainly is a happy circumstance that an individual like that Noble Earl could be found willing to forego all the advantages which he enjoys in this country, and to accept what, under any circumstances, must be a most arduous, delicate, and painful office. I cannot forget that which, although it has not been alluded to in the discussions that have occurred on this subject, I really must consider as one of the chief causes of the disturbances in Canada, — namely, that the conduct of Englishmen there has been anything but conciliatory towards the ancient settlers; and therefore I hope much from the mild and conciliatory, yet firm and energetic, character of the Noble Earl in question. In the course of his observations the Honourable Baronet found fault with the American Government. Now, I do not think that that censure is founded in justice. On the contrary, I think that, considering the excited state of public feeling in the United States, the American Government has shown a great degree of forbearance and moderation, and a disposition to maintain friendly relations with this country. I hope that the success which has attended, and which I trust will always attend, her Majesty's arms in Canada, will not prevent her Majesty's Government from entering into a full consideration of the state of all our North American colonies, and I hope that the Noble Earl will be entrusted with a full and final settlement of them. It will be a noble object for the Noble Earl to propose to himself, not only to establish the present peace of the North American colonies, but to bind them in a strong band of union, freedom, and prosperity.

Mr. HUME. — The Honourable Baronet, — who, after having made a long speech, which I hope has somewhat relieved him, has just left the House,—instead of applying himself to the principle of the Bill, has taken great trouble to bring forward numerous charges against the whole policy of her Majesty's Government, and to institute a comparison between the party now in power and that with which he is connected, favourable to the latter. If I had not been aware that the Honourable Baronet was really sincere in his opinion, and that for the last two or three years he has considered that a worse Government than the present could not exist, I should have thought that his speech of to-day was a faithful abstract from a leader which has appeared in a morning paper of this day, embracing every kind of topic, for the purpose of blackening the character of the Government, without pointing out any distinct ground of accusation against them. I was, however, surprised to hear the Honourable Baronet, after so abusing the conduct of her Majesty's Government, intimate his intention of supporting the Bill which that Government had brought in.

An Honourable Member. — No, no!

Mr. HUME. — I certainly understood the Honourable Baronet to say so.

An Honourable Member. — The Bill as amended.

Mr. HUME. — Well, the principle of the Bill has not been altered by the amendments which have been introduced in committee. It may be thought by some Honourable Gentlemen, that the leaving out the last clause will have an injurious effect, and that the Government ought to have resisted an amendment which deprives the Crown of the power to terminate the existence of the Bill while Parliament is not sitting. Opinions, therefore, being so divided on parts of the measure, I was surprised to hear the unmeasured language made use of by the Honourable Baronet opposite in expressing his opinions on the Bill of the Government. The Honourable Baronet has alluded to that portion of the Members of the House with whom I am connected, and in doing so I think the Honourable Baronet has fairly described our wishes or feelings. We, the Radical Members of this House, are anxious to promote the welfare of the people. We are equally unwilling to support any measure directed against popular rights, whether it emanates from this or from the other side of the House; and the Honourable Baronet was, therefore, perfectly correct in saying that we are indignant that such a measure has been brought forward by the Government in regard to Canada — we consider it to be a gross violation of the constitutional rights of the people of that colony. Admitting this, I hope I may be allowed to draw a comparison between the measures of the Government and those which have been brought forward by the friends of the Honourable Member. Now, it cannot be denied that the present Government have brought forward and carried many good and useful measures for the extension of popular rights; and all that I regret is, that they have stopped short of the only legitimate object in view. But I am bound to compare the amount of good which has been effected for the people by the two parties in this House. I wish the Honourable Baronet would point out any measure brought in and passed by the party on the other side of the House, within the last twenty years, which can bear any comparison with the liberal measures that have emanated from her Majesty's present Government.

The Honourable Baronet has said that the people are hostile to the present Government. I deny that such is the case, although I admit that in the present instance the people are displeased with the measure proposed by her Majesty's Ministers with respect to Canada. But the Honourable Baronet has not alluded to any one particular measure of the Government, but to their general policy; and I do maintain that the people, or at least a large majority of them, both in England and Ireland, do approve of the liberal policy of the Government. I do not give my unqualified support to either Whigs or Tories — I only support such measures of either party as I consider to be for the good of the people. I certainly disapprove of some of the measures of her Majesty's Ministers, but, looking at their conduct as a whole, I cannot join in the general and unqualified censure which has been pronounced by the Honourable Baronet opposite. As an honest Radical, I am anxious to effect all the good I can for the people; and because of the liberal measures which they have brought forward, and of the others which I still expect from them, I prefer her Majesty's Ministers to the Right Honourable Gentlemen opposite. When, however, any motion on the merits of the existing Administration shall be brought forward, that will be the proper time for answering the Honourable Baronet's remarks; and therefore I think the Honourable Baronet's tirade might have been reserved for a more fitting opportunity. I have thought it necessary to say this much on what has fallen from the Honourable Baronet, and I will now proceed to direct my attention to the Bill which is the subject of debate. Notwithstanding all the alterations that have been introduced in the committee, I still entertain as strong an aversion to it as ever, because, in my opinion, it interferes unnecessarily with the constitutional rights of the people of Canada, and is, therefore, a most improper measure to be passed under the auspices of a reforming Ministry. The present Government are powerful to do evil, because their bad measures are supported by the Members on the Opposition benches; but if they bring forward good measures, tending to good government, and to promote the welfare of the people, then I am sorry to say that they fail, because they are met by the whole weight of opposition of the other side of the House.

I am sorry to see both parties unite in supporting the present Bill, which, I must say, is disgraceful to a reformed Parliament; and I cannot but feel the keenest regret that such a measure should, with the exception of the votes of some fifteen or twenty Members, receive unanimous support. I would ask the Noble Lord (Lord Russell) to point out one valid ground for suspending the constitution of Lower Canada, and preventing the meetings of the House of Assembly of that colony. The Noble Lord can assign only two grounds in support of this measure, neither of which, as I contend, are tenable. If the Noble Lord places the necessity of this Bill on the revolt which has taken place, then I will tell the Noble Lord that he has altogether failed; for the House of Assembly is not committed in the revolt, and has taken no part in it. The Assembly of Upper Canada is about to meet for the transaction of business, to advise with the Governor as to the means to be employed for putting down the revolt which still exists in that province; and I would ask why the Legislature of the Upper province is to be allowed to assemble, while the revolt is still in existence; and the Legislature of the Lower province be prevented from meeting, when it appears, from the latest accounts, that the revolt in Lower Canada is at an end? The Noble Lord has placed the refusal of the supplies as his foremost reason for suspending the constitution, and I will state to the House the observations of the Noble Lord with regard to this point of the question. The Noble Lord has said, — that in a constitutional government, it was impossible, if the supplies were refused year after year, that the machinery of government could go on. If, in this country, you were to refuse the supplies for a single year, you would produce the most disastrous consequences. Refuse the supplies, and you disorganise the army; refuse the supplies, and you shake public credit to its centre; refuse the supplies, and you dissolve the constitution. — Why, to refuse the supplies is one of the most valuable and important privileges of the House of Commons. Does the Noble Lord mean to assert that the House of Commons is, under no circumstances, to refuse the supplies? If so, I should like to know what other means the representatives of the people have, whereby to resist a bad Government or a despotic Sovereign? The Noble Lord, then, in assuming this as a reason for suspending the powers of the House of Assembly, has, in my opinion, broached a principle which, if carried out, would tend to the annihilation of the rights and privileges of this House. I hold in my hand a resolution of the House of Commons in the year 1678, by which the House claimed that all Bills for aids to the Sovereign should originate with them, and in which they asserted their right to limit all such grants, and denied any power in the House of Lords to alter Bills of supply. The same principle was subsequently re-asserted by a majority of no fewer than 385 Members, on a motion made by Mr. Fox in 1784. Now, I would ask the Noble Lord whether he means to abide by the principle thus laid down, and thus re-asserted; and if so, how it is that we find him acting in direct opposition to it? If the Noble Lord intends to support those principles, how can he object to the course which has been pursued by the House of Assembly of Lower Canada? When the Canada Act was passed in 1791, it was understood that the House of Assembly was to enjoy all the privileges of the House of Commons; and in 1793, the House of Assembly passed a resolution similar to that passed by this House, to which I have alluded, adopting the very words.

It is upon this resolution that the Canadian House of Assembly have acted in stopping the supplies. On what ground, then, can the Noble Lord justify the proposed interference with the rights of the Canadians, when it appears they have done no more than carry out those principles which have received the sanction of the British House of Commons? No fact has been stated to prove that the House of Assembly have gone beyond their just rights and privileges; and therefore, in condemning them and suspending the constitution, we are acting in a most unwarrantable manner. In 1821 the Assembly voted the Governor's salary with a condition attached, but no objection was made — the Governor received the Bill and the Crown sanctioned it. In 1823 there was a similar vote as to the Governor's salary, and in the same way, in 1831-32, the Assembly claimed the right which we exercise, of fixing conditions to these different votes. The Governor approved of those Bills and sent a message to the Assembly, in which he declared that in all future supplies it was the desire of the Government that the House of Assembly should affix to their votes the conditions upon which such supplies were granted, thereby encouraging the proceedings of that body. When we look to this message and to the resolutions passed by this House, I say that it is not the House of Assembly who are the guilty parties, but the British House of Commons, in seeking to punish that Assembly for the exercise of a just right which they have been encouraged to assert. But there is no reason why the House of Assembly should be punished for that which is not their fault. It was not the House of Assembly but the Legislative Council that refused the supply by objecting to the conditions which the former body had attached to the supply. Again, there is no valid ground for supposing that the leading members of the Assembly have been committed in the revolt; there is no evidence to prove that M. Papineau, or any of his followers, have been in any way connected with the recent disturbances in the colony. But, supposing that some members of the House of Assembly have participated in the proceedings of the revolters, is that any reason why the privileges of a whole people should be taken from them, and that they should be deprived altogether of a representative assembly? Or, because a spirit of insurrection has manifested itself in a few districts, is that a reason why the constitution of the whole country should be suspended? Would any one have contended, in 1830, that the alarming state of insubordination which prevailed at that time in many of our south western counties, in Wiltshire, Hampshire, and Sussex, presented a valid ground for depriving the whole country of their representative rights? Was it not rather a reason for proposing the immediate meeting of Parliament, in order to consider the causes of those disturbances, and to provide a remedy? I look upon this suspension of the Canadian constitution as a most dangerous precedent. If it be once admitted that the rights and liberties of a large body of men can be suspended on such slight and frivolous pretences, what may we not expect in England if ever we should have upon the throne a monarch with despotic views? Vattel is an author very much quoted, and Vattel has said that the people have a right to be well governed, and at as cheap a rate as possible; and that if they are deprived of these their inalienable rights by force or fraud, they are justified in using every means in their power to recover them. Now, I would ask, have the Canadians been well governed? Have they known what it is to have a good and cheap government? No; every report, every inquiry, every despatch, proves that good government has not existed in Canada;

they all prove that considerable discontent has been felt throughout the colony, and that the prosperity of the country has been checked for want of a good and cheap government. Is it, then, to be wondered at, that the Canadians should have acted as they have done? When they applied to this House last Session for relief, after having petitioned repeatedly, but in vain, for the same object, how were they treated? Instead of any conciliatory measures being passed by the House, severe resolutions were adopted — resolutions which, it appears from the despatches that have since been received, excited fresh discontent, and produced increased dissatisfaction. Lord Gosford has particularly pointed out the seizure of the money in the military chest as a great grievance. Are we, then, to go on to add insult to injury? Ought we not rather to abandon this Bill, and immediately proceed to meet the Canadians on fair grounds, and concede to them everything they want? I am sure that this country can afford to do justice to Canada, and that without delay. You are not dealing with a doubtful case. You are appealed to by the representatives of 377,000, and those who oppose that appeal are backed only by 34,000. It is on behalf of the larger number of people that I implore the Noble Lord to consider whether the course he proposes to pursue is likely to produce any good effect.

The Noble Lord, on a preceding evening, made some allusion to me and my Honourable Friends, as being censurable for uttering inflammatory speeches; whereas we have only stood up to support liberal principles, and to protest against such tyrannical measures as the present Bill. A Right Honourable Gentleman, on a former evening, said that nine tenths of the miseries suffered by the Canadians have been brought upon them in consequence of their paying attention to the bad advice of persons in this country. Now, so far from me and my friends having given bad advice, we have lifted up a warning voice to the Government, and called upon Ministers, from time to time, to reconsider and alter the policy they were pursuing towards Canada. But those who follow that policy are beginning to discover the evil consequences of it, and therefore they endeavour to shift the blame from off their own shoulders. I deny that the disturbances which have occurred are to be attributed to the course which I and my friends have pursued. On the contrary, those are to blame who have delivered violent and abusive speeches in this House, calling Papineau a malicious demagogue, and all that. Yes, that was the sort of language which has led to the present state of things in Canada, the people of which have been called an ignorant people, and one Right Honourable Gentleman said that not two in a hundred of them could write, or even read. Language such as that has been coupled with a refusal of justice, and a denial of reform. Ministers have said to the Canadians — "We will not give you reform — we will not redress your grievances; but we will do more — we will take the whole control of your money away from you, and rob your Exchequer." Instead, then, of blame being thrown upon me and my friends, Ministers deserve all the blame; for their conduct alone has produced the mischiefs which are said to exist in Canada. Has not the Right Honourable Baronet opposite said that he knew the resolutions which were sent out would excite resistance, and that he blamed the Government for not sending out troops with the resolutions in order to enforce them? Therefore, it is clear that Ministers, by proposing and passing those resolutions, have excited the revolt. The Noble Lord, the other night, challenged me to propose a remedy for the evils in Canada, and I will now do so. First, I would advise her Majesty to direct an immediate redress of the grievances complained of in the petitions from Canada; secondly, the House should reject this Bill; thirdly, the first act of the Government should be to remove the Colonial Secretary (Lord Glenelg) from his office. Every despatch proves that Noble Lord to be incapable of carrying on the government of the Canadas. I will not repeat what was said the other night by the Right Honourable Baronet opposite, but nothing but imbecility and want of management have marked the proceedings of the Noble Secretary for the Colonies, though, perhaps, he means as well as any man. Instead of sending Lord Durham out as a messenger of peace, or a dictator to act under Lord Glenelg, let Lord Durham take Lord Glenelg's office, and let the country see what he will do, and how far he will carry the principles which the Canadians wish to see adopted, into operation. It would be better to do all this than to pass this Bill, or to send Lord Durham out to Canada. Believing that the course proposed to be pursued by her Majesty's Ministers will be unproductive of any good, I shall move as an amendment, "that the Bill be read a third time upon this day six months."

MR. WARBURTON.—I beg to second this amendment.

On the question being put, "That the words proposed to be left out stand part of the question,"—

SIR H. INGLIS said:—I do not rise for the purpose of following the Honourable Member for Kilkenny through the various statements which he has entered upon in the course of his speech, although I believe there would be but little difficulty in answering them. The Honourable Member has refrained, in some degree, from answering the statement of my Honourable Friend the Member for Caithness, as to what are the feelings of the people of Great Britain, on the ground that there will be a future opportunity of going into that question. I am not aware that the Honourable Member for Kilkenny has given any notice upon the subject. I suppose, however, he considers that a motion of want of confidence in her Majesty's Government would come with much better grace from himself than from any other Member. But I may, perhaps, be permitted to observe, in passing, that whatever reasons he may have for thinking the principles which he is accustomed to advocate are popular, the Honourable Member is himself no proof of their popularity. I will not, like the Honourable Member, be tempted to enter into the merits or demerits of the present Administration, nor at this hour,—when I cannot believe there is any real intention, notwithstanding the amendment which has been proposed, of taking the sense of the House by a division,—will I enter into the general question of the proceedings and policy of her Majesty's Government, either before the insurrection and revolt in Canada, or since, in order to suppress that revolt, or with reference to the best mode of proceeding. I rise for the single purpose of urging her Majesty's Ministers to remember, that from the moment that the rebellion is suppressed, from that moment their difficulties begin. They will have then to deal with a people divided in religion, divided in blood, and divided in all the pursuits of civil life. I conceive that a great mistake was committed on the first annexation of Canada to the Crown of England, in the prominence that was given to the religion of the conquered people. This subject was ably urged a week ago by my Honourable Friend the Member for Droitwich, and I desire again to urge, not the mere expediency, but the duty of the Government to pay just attention to this point, when, as now, the whole constitution of Canada is open to revision. If the plan suggested by my Right Honourable Friend the Member for Tamworth, in his speech on Friday night last, to unite the four great provinces of the North American possessions into one great dependency, were, as his other suggestions have been, adopted, then, it is quite clear, the majority of the inhabitants being persons attached by Protestantism, by language, and by blood, to the mother country, that it would be easy (leaving to the Roman Catholics, and the French Canadians, the fullest exercise of their present privileges), to repair the mischiefs already committed in this respect, by giving a just prominence there to the Established Church of this country. I trust that the present opportunity will not be lost for accomplishing this object, and that the Noble Lord opposite (Lord J. Russell) will not be deceived by the Honourable Member for Kilkenny as to the relative numbers in those dependencies, for in them there is an overwhelming majority of persons deeply attached to, and connected by religion, language, and by blood, with England, and I therefore call upon her Majesty's Ministers to protect those persons against the inroads upon their civil and religious liberties, which a majority of French Canadians in the House of Assembly have so much endangered. Regarding the mistakes committed in 1763, in 1769, in 1774, and, above all, in 1791, as some of the great and fundamental errors of the policy of this country with regard to Canada, I hope an endeavour will be made to remedy, as far as the Imperial Parliament can remedy, the evils which exist; and to continue, or rather to restore and enlarge, those religious advantages which I think the subjects of this country ought to carry with them wherever they may, with the permission of the Crown, be located.

It was stated correctly by my Honourable Friend the Member for Droitwich, the other night, that, at the present moment, no provision is made, either by the local Legislature in Lower Canada, or the Executive Government, for the maintenance of the bishop, who is still placed there. I believe that that individual is enabled to discharge his functions by means not derived from either of those bodies, and I call upon the Government here to remove the disgrace of such a state of things, as the placing such an individual in a prominent situation, without supplying him with the means of maintaining his efficiency. Without going into the Canadian question generally, I feel bound to state that I cannot but look with almost unmixed pain on the conduct which has been pursued. Without entering upon the matter further, I trust the remedy proposed by the Bill, as it now stands, will be effectual. I will not say that it might not have been spared, if more effectual steps had been taken before. I will merely say that the Bill, improved as it now is, has my most cordial support.

Mr. ALDERMAN THOMPSON. — I am desirous of making a very few remarks upon the third reading of this Bill. The Honourable Member for Kilkenny, in the course of his speech, said, that the House of Assembly in Lower Canada had not been guilty of any infraction upon the principles of the constitution of that colony; and the Honourable Member has asked her Majesty's Ministers and the Parliament why, by such means as this Bill provides, they seek to put an end to that body? I have no difficulty in supplying an answer to that question. It is a fact, well ascertained, that several Members of the House of Assembly are already in gaol, on charges of high treason; and by the last accounts which have been received from that province, it appears that rewards have been offered for the apprehension of not fewer than twelve other members of that body upon similar charges. I ask, therefore, whether, under such circumstances, any rational man can think of continuing that legislative body with any hope or expectation of legislation from it, at all calculated to tranquillise the province. On the contrary, can any being doubt but that the assembling such a body would add to the agitation which, unfortunately, already exists there? The Honourable Member for Kilkenny has designated the Bill as a despotic measure. I fully concur with the Honourable Member in thinking that it is a strong measure; I believe that, in the history of Parliament, its parallel is not to be found. But does history at large present any similar case of necessity for such a measure? I believe, from the best consideration I can give to the question, that this is a Bill of justice and expediency. It is a measure of justice to give protection to the properties and persons of a very large proportion of the inhabitants of that province who are loyally attached to the connection with this country. At the same time, I must admit, that there are numbers in revolt who claim a redress of grievances; but these persons neither possess the property nor the intelligence of the other portion of the population, and their leaders are not distinguished either for their talent or their courage. The Canadas, having long enjoyed all the advantages and blessings of the British constitution, have no just cause of complaint. Probably some trifling matters have led to differences, but for the settlement of those differences a ready manifestation has been shown by the Government here, but when demands were made for a change in the formation of the Executive Council—to make it elective,—I contend, if such a demand had been conceded, in effect a republican form of government would have been established in Lower Canada, and it would now be impossible to maintain the connection existing between England and Lower Canada.

The majority of the Canadian people estimate the value of British connection; and I believe the history of our colonies does not present any other instance in which so much favour and generosity have been shown as by the whole course of legislation, here, with regard to Canada. Its products are all imported at a comparatively nominal duty, while the like produce of other countries is subject almost to prohibitory duties. It is only necessary to look at the rate of duties imposed on the produce of the West India colonies to be convinced of this. I am sure that a dissolution of the connection between Canada and this country would be a severe infliction upon the former. If tranquillity be restored, British capital will continue to flow in, and there will be no interruption to the disposition already evinced to make investments in that colony. With regard to the blame attaching to her Majesty's Government for the course they have pursued, I go further than the Honourable Member for Kilkenny. The Honourable Member for Buckingham (Sir H. Verney) has said that results have proved that there was a sufficient military force in the Canadas to maintain the government. Now I must dispute the truth of that assertion, and contend that, if there had been a larger force in Lower Canada to aid and support the civil power in the maintenance of peace and tranquillity, no revolt would have taken place, and the horrors of human bloodshed would have been spared. I know not whether any inquiry with regard to the government of Canada is proposed to be instituted at the Bar, but sure I am, that there is evidence sufficient in the documents laid before the House to justify such a course; and, independently of those public documents, I, of my own knowledge, am aware that for the last two years, representations have been made by the merchants of London, engaged in the Canadian trade, almost weekly, but certainly monthly, apprising the Secretary for the Colonies of the state of alarm and dismay which existed in the Canadas, in consequence of the tumultuous proceedings of large bodies of armed men, and that no notice was taken of those representations until the crisis which we had apprehended and pointed out has actually arrived. I will not trouble the House further; but I could not content myself with giving a silent vote on this occasion, giving, as I do, unhesitatingly, my entire support to the measure now before the House.

Mr. GROTE. — The Honourable Member who has just sat down, and who declared himself a supporter of this measure, has told the House, nevertheless, that it is a strong measure, and which has no parallel in British legislation. The description which that Honourable Gentleman has thus given of the measure must serve as my excuse for troubling the House with a few observations at this its last stage. I desire to enter my protest against the third reading of a measure of this severe description, though I am well aware how unavailing such a protest will be. The Honourable Baronet the Member for the University of Oxford has stated one thing which is most true, and which deserves to be well laid to heart by every gentleman who considers this subject. He said that when this rebellion shall have been put down, at that moment the real and greatest difficulties of the Government will commence. That is my opinion too, and it is because I entertain that opinion, and strongly entertain it, that I am the more strenuous in my opposition to the present Bill; and because, also, it is my opinion, that while the Bill will remove none of the existing difficulties, it will add very much to some, and those the most serious of them. I foresee no consequence likely to arise from this Bill so imminent and inevitable as the multiplication of discontent and irritation throughout the province in the minds of men,—of those, perhaps, who as yet have taken no part in the revolt, — and that of the most dreadful and deplorable kind. I see in the Bill no remedy proposed for any of the evils that now constitute the grievances of the Canadians, while I see in it one great grievance added to those already existing, of which, even those who have hitherto abstained from taking part in these matters can hardly fail to feel the weight and the burden. The alterations made in the Bill since the second reading are not of a nature to make much alteration in my opinion. My opinion was pronounced upon it when the preamble still remained as the Noble Lord originally introduced it; and it is for those Gentlemen who were wedded to the Bill on account of the preamble, and who were inclined to pardon the severe measures which the Bill itself sanctioned, in consequence of the beautiful phrases put forth in the preamble — it is for them to express the regret they must feel at missing so important a part of its features; but, for my part, my objection was founded on the nature of the enacting clauses, and those clauses remain still unaltered, or, if any thing, they are rather aggravated. But if those clauses in themselves appear to me severe, objectionable, and calculated to create a strong sense of anger and discontent in the minds of those who are to be subject to them, I will say that the nature of those clauses is extremely aggravated, when they are taken in conjunction with the speeches uttered in this House by those who have supported them.

The tenor of those speeches leads me to foresee only one consequence from the suspension of the Canadian constitution, which is this — that instead of that genuine and faithful representation of the people, which is now the most important element of the Canadian constitution (for we shall not have that element restored to its present state), we shall have the representation of the people cut down, abridged, and reduced to a name. It will be a name and a shadow, instead of a substance and a reality. When I recollect, too, the suggestion of the Honourable Baronet the Member for Caithness, in which he dwelt upon the necessity of raising the qualification of the electors of Lower Canada — coupling that with the declarations made by certain influential Members on the Ministerial side of the House, and more especially by the Right Honourable Gentleman the Member for Coventry and the Honourable Member for Lincoln, insisting, as they do, upon the gross ignorance and incapacity of the Canadian people — I cannot misinterpret these indications. I cannot draw any other inference except that the present representation of the people — large and faithful — will be exchanged for one neither large nor faithful; but will be made the representation of a part of the people instead of a representation of the whole. I, at any rate, will not lend my hand to the destruction of the representative constitution, which at least has the merit of faithfully representing the people of Canada, in the present state of precariousness and uncertainty as to what we may obtain in its place. I must say it is to me a rather remarkable circumstance, — a strange and preposterous revolution, — when I find that that side of the question which is called the Conservative side, is on this occasion left to be supported by some twelve or fifteen extreme Radicals, and that those who, on all former occasions, were the unyielding advocates of every existing institution, and the stern opponents of all innovation and change, are now the most earnest in the work of destruction. When it is said that the Canadian constitution has been found not to work as it was intended to do, my reply is, that if that be the case, the fault is with the Executive Government, because the Executive Government have not thought fit to use the prerogative which the constitution has entrusted to them. It remained only with her Majesty's Government to improve the Legislative Council, and introduce harmony between the different branches of the Legislature, by appointing such members to the Legislative Council as should be acceptable to the majority of the people. This would have been no innovation. It would have been the exercise of the very prerogative which was given to the Executive Government by the constitution of 1791, and which was at that time highly appreciated as a power vested in the Government for the best of purposes, though it now appears to be renounced by every one. If, then, the Executive Government has not thought fit to exercise that prerogative, surely they have no right to come and tell us that the constitution is unworkable, and that there is no remedy, except to destroy that constitution altogether. I deny the inference, and will contend that it is entirely in consequence of the want of a timely and proper exercise of the prerogative of appointing members to the Legislative Council that this evil has arisen, and that we are now lled upon to enact this destructive easure. Had that power been used, rmony would have been restored, and e Constitutional Government of Lower nada would have gone on prosperously to this hour.

It is easy to foresee the difficulties ich will open when this suspension of e constitution shall have been once ought into operation, hearing, as we ve done already, an Honourable Gen- man, who is a staunch supporter of e measure, proposing to her Majesty's inisters to saddle the colony with an ablished church. A very pleasant prospect it is, to be called upon to sanction the annihilation of one of the few representative assemblies which really does represent the people, and put in its place a well-paid established church! The same reasons which have led me to wish to improve those representative institutions in this country, which imperfectly and unfaithfully represent the people, and, by so improving them, to make them the faithful representatives of the people, induces me to be strenuous in preserving this Canadian assembly, which does really and truly represent the people; and I shall at all times be found on my part, maintaining a strong conservative line of conduct, when the thing to be preserved is the most valuable jewel which a people can possibly possess. I doubt and mistrust the power of the Government to restore this assembly, and I do not feel confident that it was ever their wish to do so. But most certainly when I observed that, during the progress of the Bill through the House, the Noble Lord the Secretary of State for the Home Department has been compelled to abandon the preamble for the purpose of conciliating the support of the Right Honourable Baronet the Member for Tamworth, I feel that whatever new constitution it may be deemed proper to give to Canada, it will not only be what the Noble Lord himself may approve of, but that which must also meet the approval of the Right Honourable Baronet. And having heard that Right Honourable Baronet accused, by Honourable Members in this House, of entertaining a distinct hatred of all representative institutions, — though, in the present instance, I do not conceive that the Right Honourable Baronet is deserving of that reproach more than the Noble Lord himself, — I cannot help appealing to Honourable Gentlemen who support this Bill, to say what ground they have for believing that such a constitution as that now existing will ever be restored after it has once been destroyed, seeing that that can only be done with the approbation of a Right Honourable Gentleman who is opposed to all representative constitutions. In spite, therefore, of the great volume of debate which has been poured out upon this question, I have heard nothing to alter the conviction I entertained when I first delivered my opinion upon it. I fear that as you have sown injustice, so you will reap trouble and calamity. Whatever the present grievances of the Canadian people may be (they seem to be almost on all hands admitted, as well as the necessity of redressing them), I feel that, by this measure, you are about to add one more, of so serious a kind, that the people of Canada will be led to entertain feelings of discontent and irritation, which it will be exceedingly difficult for any party, however good their intentions, ever hereafter to eradicate or subdue.

Mr. WARBURTON. — I entirely concur with what has fallen from the Honourable Member for London, that by this measure you are destroying a free constitution, to have, probably, in its place one less free. You are not only effecting a revolution, but you are doing so in the spirit of those revolutions that have occurred in South America. But what I now contend for, as I have on former occasions, is, that as you must cease to govern these states at no remote period, you ought to treat them with all the consideration due to their future greatness. I know it is a humiliating thing, and unpalatable to national pride and national vanity, to think of the necessity of contracting the limits of empire, and to part with what is fancied to be among the most valuable of the national possessions. I say fancied to be so, because it does appear to me as rational to talk of the moon as belonging to ourselves, as to talk of a great and extensive territory 3000 miles away from the mother country, as being a part of our empire. But I really think if we look at the great and glorious and godlike work of establishing a great and free republic out of incoherent elements, such as the provinces of Canada present, we must feel that it is an object worthy the ambition of a great and powerful nation. That were a great act for a state like this to accomplish. I believe that the people of this country will reflect on this; and that they now feel that it is a greater honour to have produced a mighty republic like that of the United States, than to have subjugated India. If the people regard the honour of having raised up such a free and great state, and would next consider what the united provinces now forming our North American colonies might be, if raised up in a similar manner, they would have a great and important object before them, in the furtherance of which all confliction of party feeling would cease, and there would no longer be called for measures of severity towards provinces that are now alienated and discontented. I hope that these considerations will reconcile the people of this country to that separation which, either now or at an early period, must take place, and that they will have their attention fixed upon the necessity that must soon arise for such a separation. I trust that the glory of having been the parent of a great, an extensive, and a free state will be considered a sufficient reparation to them for the apparent sacrifice of the national honour. Condemning it, as I do, —(hoping, however, that it will not have any of those melancholy results which I anticipate from it, I will avail myself of the present opportunity of passing my last malediction on this unfortunate Bill.

Mr. BORTHWICK. — Sir, as I supported this Bill in its first introduction, so I shall give my support to this its last stage. Those Honourable Members on the other side of the House who have spoken against this measure appear to consider that it takes all away from the Canadians and gives them nothing in return: they forget, entirely, that this is not a permanent but a temporary measure, which will afford an opportunity to her Majesty's Government to give such a constitution to Canada as will be agreeable to the feelings of all classes of the people in the province, and at the same time strengthen the connection between the colony and the mother country. I cannot avoid remarking upon the very judicious alterations that have been made in this Bill at the suggestion of the Right Honourable Baronet the Member for Tamworth; and I am free to confess (repudiating as I do the imputations that Honourable Gentlemen on this side of the House are actuated by a view rather to place than patriotism and good government) that I look on the concession of the Noble Lord as a matter of triumph. For I cannot forget that the Noble Lord, on Thursday last, after stating somethi of the policy of the Bill, said, in speakin of the instructions to Lord Durham, tha was his duty to lay them before Parliamen in order to ascertain if Parliament wou give its sanction to them. The No Lord then said, "I stand here on t principle of this measure; if it be alter in any of its important features, I thin that those who so alter it should carry into execution. I think that the Rig Honourable Baronet the Member f Tamworth has taught her Majesty's G vernment a useful lesson: he has r them a homily of caution. The Honou able Member (Mr. Warburton) expatiat on the propriety of separation, and of form ing "the children of this country," as calls then (our North American colonie into a republican government. I, howev cannot agree that a republican gover ment is a proper one for the children of England. The Honourable Member has said that the people are discontented, and wish for a separation. Now all the despatches from Lord Gosford, and the inquiries that have been instituted, show that the majority are not in favour of separation. We find that there are still a great body of persons in that colony, who are loyally disposed, and who set a proper value on British connection. The Honourable Member for Bridport forgets that the Governor describes even the French population of Lower Canada as a quiet, loyal, and peaceable people, though some of them have been misled by ambitious men, who seek not the rights of their fellow-citizens, but their own benefit. Those who have brought Canada to this fatal pass are the first to desert those they have misled. It reminds one of the language of our great poet. I think that if the people of Canada were solicited by those who have now deserted them to raise again the standard of revolt, they would say, " How shall we trust to you? How follow where you lead? Where we thought you lions, ye were hares — where foxes, geese." I am happy to find that coercion is to be tempered with mercy; but I hope that the Government will take care that their clemency be extended only to the proper objects. If my advice had been taken, and if the Government had interfered at the proper time to suppress the treasonable language which has been employed, we should not now have had to deplore the loss of life and property which has taken place.

[Loud cries of " Divide, divide!"]

I am not about to make a long speech, and seeing the impatience of Honourable Gentlemen to divide, I will not trouble them further, but will conclude by again urging upon the Government not to follow the counsels of those who would separate our colonies from the mother country, and thus deprive us of the revenue and strength which we derive from them.

The House then divided: —

Ayes . . .	110
Noes . . .	8

The Bill was then read a third time.

On the motion of SIR G. GREY, a clause was added, by way of rider to the Bill, to the effect, that the Bill may be altered or repealed during the course of the present Session, if such alteration or repeal be deemed necessary.

On the motion, that this Bill do now pass, —

SIR E. SUGDEN said: — I rise to congratulate the House and my Right Honourable Friend the Member for Tamworth on the fulfilment of the last of his predictions; for the Noble Lord has so altered his Bill as to exclude the power of calling the convention of estates in Lower Canada, which was intended to soothe the Radical section of this House, and was a base, spurious imitation of the republican institutions of North America, which but ill agree with the simple despotism created by this Bill. The Noble Lord, upon first introducing this measure, stated that the prerogative was sufficiently powerful to enable the calling of this convention, and that her Majesty's Attorney General had given an opinion to that effect. I could not have believed that any man had deliberately given such an opinion; but I will venture to say, that no man will dare to exercise such a prerogative in Lower Canada, where the constitution is an imitation of our own. Indeed, the Noble Lord has abandoned the intention of resorting to the prerogative; for, three days after the Bill was introduced, Lord Glenelg wrote his despatch to Lord Durham, in which he has told him to avoid difficulty in the way of the elections by any districts, by making a law or ordinance to authorise such elections. Now, I admit that under the Bill as originally framed such a law might have been passed; for the Governor General, with the advice of his council, was authorised generally to make laws, which it was declared should be valid; therefore he might have made a law for the election of an assembly to advise upon the constitution. But the Noble Lord (J. Russell) has altered his Bill in his own committee, where he proposed to introduce only verbal amendments, and has restricted the Governor General's power of making laws to the power which the Colonial Legislature possessed. The Governor is empowered " to make such laws as the Legislature of Lower Canada has been empowered to make." Now, the Act of 1791 gives to the King, with the advice and consent of the Legislative Council and Assembly, power to make laws not being repugnant to that Act. The Crown, therefore, with the Council and Assembly, could not have passed a law calling a constituent assembly, which, although it is not to legislate, is to advise and consult, as representatives of the people, upon the alteration of the constitution of 1791. Such a law would have been repugnant to the

Act of 1791, for such a convention, although agreeable to the republican institutions of America, is directly repugnant to the monarchical and representative constitution established in Lower Canada by the Act of 1791. As, therefore, the Crown, with the colonial Council and Assembly, could not have called such a convention, so the Governor General, who has only the same powers as the colonial Legislature, cannot do so. It is immaterial that the constitution of 1791 is suspended; for the question turns upon the power of the Governor General under this Act, and his power is as extensive as, but not more extensive than, that of the colonial Legislature under the constitution of 1791. It is my decided and clear opinion that the convention cannot be called by the Governor General, certainly not by the prerogative, and as clearly not under the powers of this Act, and I beg to tender my best thanks to the Noble Lord for having thus withdrawn from the Bill the only part of it to which my Right Honourable Friend would have objected, and thereby fulfilling my Right Honourable Friend's prediction, that the despatch to Lord Durham would never be acted upon.

SIR GEORGE GREY.—In a matter of mere law I should be sorry to put my opinions in competion with those of the Honourable and Learned Gentleman; but I must say, that in the present instance the Honourable and Learned Gentleman is wrong, for in the instructions given to Lord Durham that Noble Lord is not authorised to call together an assembly having legislative power, but only a body of persons to give him advice, which is not repugnant to the Act of 1791, nor to any other Act, and to which there is not placed the slightest obstruction by the Bill which has been read a third time.

Mr. WAKLEY.—The only reason why the House has been induced to look with the slightest favour on the Bill of the Noble Lord is the circumstance that it is to be carried into execution by the Earl of Durham; and from the consideration, (founded on his Lordship's character, his energy, and his discretion, and also of his love of liberal principles,) that the House has a security for the discreet, firm, and fair exercise of those powers. But it now appears that the Noble Lord will not reach Canada till the end of April or the beginning of May; and, in the mean time, it is proposed to allow the Act to be carried into effect by the commander-in-chief; and I therefore wish to direct the attention of the House and of the Government to the accounts which have been received from Canada of desperate engagements, or I should rather say massacres, which have taken place there, and which have been of so sanguinary a nature as not to be described in the English language, and the recital of which cannot but harrow up our feelings. In the *Morning Chronicle* of this morning I find it stated that Colonel Maitland "detached the grenadiers, first and second companies, to favourable positions to intercept any of the rebels attempting to escape from the church, and which answered effectually, as, upon the taking of that building, a number of the rebels fell under the fire of part of those companies;" and it is added that they afterwards set fire to the church itself. This statement was received from Sir J. Colborne, and is published in a supplement to the *London Gazette* of Friday last. I will ask, what description of force can have been employed against the Queen's troops, when only one of them was wounded? and yet they set a watch round the church to destroy any one who tried to effect his escape. Is such conduct as this to be borne? Is it to be tolerated? Is this a Christian land? Do we live under a Christian Government? Is it in the face of such scenes as these that we can boast of the religious institutions of this country? In my opinion these facts are a stigma on the character of the whole country, and can they give rise to anything but deep indignation? I do not say that such conduct receives the sanction of the Government; but as it has taken place, it behoves Ministers to step forward at once, and in a bold and energetic manner, and to tell Sir J. Colborne that he has gone beyond his duty of simply maintaining the laws when he indulges in vengeance. Again, I find, from the accounts from Upper Canada, that Indians were engaged in the war. Were they chosen for this duty because of their known cruelty in their conduct of war? Did the Government sanction the marching or conveyance in steam-boats of 250 Indians in company with one of the regiments assisting Sir F. Head? It is the custom of some Honourable Members to say that it has been the exciting language held by other Honourable Members which induced the Canadians to revolt; but I must say that the revolt was caused by the conduct of the Imperial Legislature, which has abolished the Canadian constitution, or has completely neutralised its powers, and, by these Acts, seems almost to have driven the Canadians to the necessity of revolt. I again protest against the Bill. As the insurrection has been put down, I hold it to be an unnecessary and unconstitutional proceeding, and as placing a blot on the English legislation, which it will take years to wipe out.

LORD JOHN RUSSELL. — The only part of the Honourable Member's speech which requires any notice from me, is that in which he has quoted the statements appearing in the *London Gazette*. I know that the Honourable Gentleman has no wish to make any misrepresentation, but he must have misunderstood the passages in the despatches of Sir J. Colborne, Colonel Maitland, and other officers. The fact is, that the circumstances referred to are only the usual occurrences of war. There were many persons in the church; it was fortified, and made a place of offence, from which the British troops were fired upon, and, according to the laws of war, it was destroyed; and if troops, marching through a village, are fired upon, the usual measures of war are taken. If those who had surrendered, and had laid down their arms, had not received quarter, then, indeed, the Honourable Member's observations would have been just; but I do not find any such statement in the despatch. But not only were those who did lay down their arms to be received as prisoners, but it was necessary that the best means should be taken to prevent the others from retiring as a body in arms, and from taking up another position from which they might again attack the troops. The Honourable Member has said that there could not have been much resistance, as only one soldier was wounded; but this only shows how little discipline had been used to enable men to cope with the arms of the British empire as well as the extent of the rashness and the guilt of the persons who induced the Canadians to revolt. With regard to the Indians, I can only observe, that they were not employed as a regular military force; some had attended Sir F. Head; but the circumstances are of a totally different nature from what have been stated. All the troops were removed from one province, and the militia was called out to meet several persons who were collected on the road to Toronto, and who had commenced their outrages by murdering a military officer who had retired from the service, after having greatly distinguished himself in it, who was quietly living with his family, who was murdered on his road to the city. When persons were thus attacked, it was but natural that all the inhabitants, — British, Canadian, and Indian, — should unite to put down the insurrection, acting, as they did, under fear of their lives and property. This is, however, an entirely different description of measure from that which was taken by Sir John Colborne. It did not affect the propriety of entrusting the powers of the Act to that officer before the arrival of Lord Durham, and which were, under present circumstances, placed in his hands.

SUPPLY.

Committee deferred till Friday.

CANADA.

Further copies of extracts presented, of correspondence relative to the affairs of Lower Canada and Upper Canada (by command).

NEW WRIT.

On the motion of Mr. MORE O'FERRALL, a new writ was ordered for Galway, in the room of Mr. Lynch, appointed a Master in Chancery.

GREECE.

Copy presented, of convention of commerce and navigation between her Majesty and the King of Greece, signed at London, October the 4th, 1837. — To lie on the Table, and to be printed.

The House adjourned at eight o'clock.

HOUSE OF LORDS, MERCURII, 31° DIE JANUARII, 1838.

APPEALS.

Wilson *v.* Tait.—Petition of the appellant for further time to lodge cases.—Read, and referred to the Appeal Committee.

Copland *v.* Toulmin (second appeal).—Set down for hearing.

Several Lords took the oaths.

The EARL of SHAFTESBURY sat Speaker.

APPEAL COMMITTEE.

Fourth Report from.—Read, and agreed to; and ordered accordingly.

House adjourned during pleasure, and resumed by the Lord Chancellor.

CANADA GOVERNMENT BILL.

Brought from the Commons; read a first time; to be printed; and to be read a second time on Friday next; and the Lords summoned.

NATIONAL EDUCATION.

A NOBLE LORD presented a petition in favour of national education, from the council of the city and borough of Bath.—Read and ordered to lie on the Table.

LORD REDESDALE moved an humble address for the dates of all despatches from Sir John Colin Campbell, Lieutenant Governor of Nova Scotia, in which a supply of additional forces to that colony was requested, during the year 1837; the dates of the receipt of such despatches; and the dates of the answers to them.

OFFICE OF CLERK OF THE PARLIAMENTS.

Select committee to consider of the proceedings had in execution of the measures recommended in the Reports of the Lords' Committees upon the office of clerk of the Parliaments, in Sessions 1824 and 1826, appointed.—To meet on Tuesday next, at four o'clock.

The Lords following were named of the committee:—

The Lord Chancellor.
The Lord President.
The Lord Privy Seal.
The Duke of Richmond.
The Marquess of Salisbury.
The Marquess of Cholmondeley.
The Marquess of Westminster.
The Earl of Devon.
The Earl of Shaftesbury.
The Earl of Radnor.
The Earl of Malmesbury.
The Earl of Wicklow.
The Earl of Harrowby.
The Lord Bishop of London.
The Lord Bishop of Exeter.
Lord Dacre.
Lord Holland.
Lord Redesdale.
Lord Ellenborough.
Lord Viscount Melbourne.
Lord Bexley.
Lord Wharncliffe.
Lord Melros.
Lord Lyndhurst.
Lord Wynford.
Lord Denman.
Lord Strafford.

LORD BROUGHAM.—Of course, my Lords, you have only adjourned till to-morrow?

The EARL of SHAFTESBURY.—Till to-morrow.

Adjourned.

HOUSE OF LORDS, Jovis, 1° die Februarii, 1838.

APPEALS.

Glendonwyn *v.* Dame Mary Lucy Glendonwyn (or Gordon). — Fully heard, and consideration adjourned till to-morrow.

Sir E. J. M. M'Gregor *v.* Brown. — Adjourned till to-morrow.

Wright *v.* Doe, on demise of Tatham (writ of error). — To be heard on Monday, the 12th instant; and the Judges to attend.

Morrison *v.* Inglis. — Petition of the respondent for leave to lodge cases. — Read, and referred to the Appeal Committee.

Barry (pauper) *v.* Waddell. — Set down for hearing.

Monteith *v.* M'Gavin. — Appeal presented, and respondent ordered to answer in four weeks.

EARL OF EFFINGHAM.

Petition of, for a Private Bill. — Read, and referred to two English Judges.

VISCOUNT GALWAY.

Petition of, claiming a right to vote at the elections of representative peers for Ireland. — Read, and referred to the Committee for Privileges.

CANADA GOVERNMENT BILL.

LORD BROUGHAM. — I hold in my hand a petition which I consider worthy of your Lordships' attention. It emanates from Mr. John Arthur Roebuck, formerly Member for Bath, and now agent — as he has been for some years — of the House of Assembly of Lower Canada. The petitioner sets forth the circumstances which prove his agency — his correspondence with the Colonial Department, in which he is recognised in the capacity of agent; but he does not set forth that he has been already heard in that capacity by the House of Commons. The prayer of the petition is, that in accordance with the established usage of this Right Honourable House, he may be heard at the bar against the passing of the Canada Bill. The only question is, in what stage of the proceedings Mr. Roebuck shall be heard? I intended to have presented this petition yesterday; but the House had adjourned just before I entered the House. Mr. Roebuck is anxious that it shall be distinctly understood that he does not, by his present application, wish to throw any vexatious opposition or delay in the way of the Bill, or desire to postpone the second reading.

The MARQUESS of LANSDOWNE. — I apprehend that there cannot be the least objection, on the part of the Government, to hear Mr. Roebuck, because, as he applies in the character of representative of the House of Assembly, we are bound, on every principle of justice, to hear their agent on a Bill which so materially affects their interests. The only question is as to the time. I imagine that it can make no difference to Mr. Roebuck whether he is heard on the second reading, or upon the House going into committee.

The EARL of ABERDEEN. — For my part, I have not the slightest objection to hear Mr. Roebuck; but I must say, I do not understand upon what grounds he is considered as the agent of the House of Assembly, and, therefore, do not think that your Lordships should recognise him as such. I do not doubt that he has been in communication with the Colonial Office, professing to have that character; — but I certainly cannot think that he has been received as the agent of the House of Assembly.

LORD BROUGHAM. — I am aware that a rather nice discussion has taken place, in the other House, as to the capacity in which Mr. Roebuck should be heard. Perhaps the best way would be, to let him be heard without stating that he is to be considered as agent.

The EARL of ABERDEEN. — Mr. Roebuck is rather peculiarly situated with respect to the House of Assembly. Although he cannot be considered as an accredited agent to her Majesty's Ministers in this country, still, connected as Mr. Roebuck is with the House of Assembly, he must be considered as the representative of that body. I wish to guard against a precedent being set, under which any person should assume this right to be heard.

The MARQUESS of LANSDOWNE.—All that it is necessary to establish is, the particular station Mr. Roebuck holds which should make it be considered that he is the agent of the House of Assembly. Mr. Roebuck may be looked upon as the natural representative of the sentiments of that body, as he is undoubtedly able to state their opinions; and there being manifested a great desire that he should be heard at the bar, I, upon the whole, think that he ought to be so.

The EARL of ABERDEEN.—As it is not intended that Mr. Roebuck shall be heard to-morrow, perhaps ——

LORD BROUGHAM. — It will be better to let the matter stand over.

LORD ELLENBOROUGH.—I would much rather hear a gentleman who is the agent of the Canadians than one who states himself to be the agent of the House of Assembly; because the measure of which Mr. Roebuck wishes to speak, is penal against the people, and not against the House of Assembly, who represent the people.

The petition was then read, and ordered to lie on the Table.

SCOTCH CHURCH.

LORD BROUGHAM presented a petition from the Free Communion Baptist congregation of Cupar (Fife), against any additional endowment to the Church of Scotland.

SUFFRAGE.

LORD BROUGHAM presented a petition from the inhabitants of Annan, in favour of the extension of the suffrage; annual Parliaments; and vote by ballot.—Read, and ordered to lie on the Table.

VOTE BY BALLOT.

RD BROUGHAM presented a petition in favour of vote by ballot, from the magistrates and town council of the royal burgh of Dumbarton.—Read, and ordered to lie on the Table.

POSTAGE.

LORD BROUGHAM presented a petition for the reduction of the rate of postage, —from the magistrates, town council, and others, of Annan.—Read, and ordered to lie on the Table.

MUNICIPAL CORPORATIONS (SCOTLAND) BILL.

LORD BROUGHAM presented a petition in favour of the measure,—from the magistrates and town council of Cupar.—Read, and ordered to lie on the Table.

GAOLS (SCOTLAND).

LORD BROUGHAM presented a petition for the adoption of a measure for the better regulation of the gaols in Scotland, —from the magistrates and town council of Cupar (Fife).—Read, and ordered to lie on the Table.

JEWS.

LORD BROUGHAM presented a petition for the removal of disabilities from the Jews,—from the mayor, aldermen, and burgesses of the borough of Portsmouth. —Read, and ordered to lie on the Table.

MISREPRESENTATION.

LORD BROUGHAM.—My Lords, it is always with pain that I bring before your Lordships charges of misrepresentation; but in this instance a very great mistake has been made, which I have twice corrected without effect. The complaint I have to make is against a respectable morning paper,—one which has greatly advanced the amelioration of the law, and the abolition of slavery. In remarking upon what fell from me the other night upon the important question of slavery, it has been stated that I said that the Bill of 1835 had been an entire failure, and that it was of no value whatever. Now, I said no such thing. I admitted that it had greatly disappointed the expectations of many, but I never stated that it was a failure, for I considered that it had done a great deal of good, although not so much as it might have effected. My Lords, it has been stated, in the same quarter, that my Education Bill ought to be universally opposed, because no person, who has a due regard for the morals, religion, and sound education of the people of this country, can patronise any measure which does not connect itself with scriptural education. It does so happen that my Bill is not in the least liable to the charge of sin or error in that respect, for it has a direct clause preventing the possibility of any assistance being given unless upon condition of the Holy Scriptures being a part of the reading of the school. My Lords, I ought to add that this Bill will alter the law as it now stands; for as the law now stands, the 20,000*l.* a-year may be given to support any schools from which the Bible is excluded. Now, according to my Bill, the money never can be given to any school that shall not recognise the Scriptures as an integral and an essential part of education. I do not complain of any intentional misrepresentation, but such things have been stated tending to mislead the public on a very important measure, and creating a prejudice which is quite unfounded.

CANADA.

LORD ELLENBOROUGH.—I beg to ask the Noble and Learned Lord whether her Majesty's Government have received any information relative to the unfortunate occurrences which have taken place in Canada?

The MARQUESS of LANSDOWNE.—In answer to the question of the Noble Lord, I beg to say, that I only know of the circumstances through the medium of the American papers. Up to the present moment no official information has been received on the subject by Government, that I am aware of.

Adjourned.

HOUSE OF LORDS, VENERIS, 2° DIE FEBRUARII, 1838.

APPEALS.

Glendonwyn *v.* Dame Mary Lucy Glendonwyn (or Gordon). — Considered, and interlocutors affirmed, with costs.

Sir E. J. M. M'Gregor *v.* Brown. — In part heard, and adjourned to Friday next.

Hamilton *v.* Wright. — To be heard on Monday next.

EARL CAWDOR took the oaths.

LORD SALTERSFORD took the oaths.

House adjourned during pleasure; and resumed by the EARL of SHAFTESBURY.

House adjourned during pleasure; and resumed by the LORD CHANCELLOR.

POSTAGE.

The EARL of SHAFTESBURY presented a petition for reduction of the rate of postage; from inhabitants of St. Giles's, Camberwell. — Read, and ordered to lie on the Table.

SLAVERY.

The EARL of RADNOR presented a petition for the emancipation of negro apprentices; from inhabitants of Fordingbridge. — Read, and ordered to lie on the Table.

BALLOT.

The EARL of RADNOR presented a petition in favour of vote by ballot; from the mayor, town council, and inhabitants of Bridgenorth. — Read, and ordered to lie on the Table.

SODOR AND MAN BISHOPRICK BILL.

The EARL of RIPON. — I beg leave to give notice, that on this day week I shall move the second reading of the Sodor and Man Bishoprick Bill.

CANADA GOVERNMENT BILL.

The Order of the Day for the second reading of this Bill having been read, —

LORD GLENELG said: — My Lords, I rise, with pain, to address you on the important subject of the present Bill; for I can assure you, that to have to propose that the constitution granted to one of our colonies be, even for a time, withdrawn, is no very agreeable duty. If I were to address your Lordships at a length at all proportionate to the magnitude and vast importance of the present subject, I fear I should this evening have to trespass upon your attention for a very considerable time. I am, however, relieved, in a great measure, from such a task, because the question is not at all new to your Lordships, having already, on frequent occasions, been brought before you. My Lords, the Bill, the second reading of which I now move, comes up to us with the sanction of a very large majority from the other House of Parliament, and I trust it will meet your Lordships' approbation. The character of this measure is one which, I admit, can only be justified by the necessity which the case creates for it; and, unfortunately, the necessity of the case, in the present instance, is so notorious as to present itself to the observation of the most casual spectator of passing events. The simple facts of the case, I apprehend, are amply sufficient to justify the measure. From the papers on your Lordships' table, and the acts which are known to the world to have occurred in the province of Lower Canada, it appears evident that the constitution bestowed upon the Canadas some forty or fifty years ago has, in truth, ceased to operate. That constitution during the first twenty years was in a practical state of abeyance, but during the last twenty-five years it has been in a state of constant struggle and progress; but it has been admitted that parts of it had not, to use a common phrase, worked well together, and had not properly performed their functions; and, notwithstanding the constant endeavours made to enlarge its operations, it had become at length almost paralysed. The result is, I apprehend, not to be questioned by any one, namely, that the constitution of Lower Canada is at the present moment actually suspended. I do not wish to inquire to whom this state of things is to be ascribed, whether to the House of Assembly or the Legislative Council, or to both. I merely state the fact as a simple and sufficient ground for the measure which her Majesty's Ministers are now compelled to propose for the temporary government of the affairs of that colony.

Now, this being the actual state of things, the constitution of Lower Canada having ceased to be in operation, the subject is one which must at once revert to that power from which that constitution originally emanated, that is to say, Parliament must interpose to protect the society of the colony, and to hold together those very principles by which alone the safety and interests of society can be maintained. I know it has been said, that instead of calling on Parliament in the present emergency, it would be practicable and even advisable to summon the existing Assembly, and make another experiment to ascertain whether the functions of government can be discharged in the colony. I must say, however, putting out of view the peculiar circumstances connected with the various Members of that Assembly, that such a step would only prepare the way to another disappointment, and to a fresh suspension of all constitutional functions. There is, indeed, another proposition upon which the Assembly might again be convened, and that with some prospect of its performing its functions; and that is, that Parliament should at once concede all those demands which the Assembly has preferred as the only conditions upon which it will resume its functions. But what are these demands? They are various; but the principal and cardinal one of them all is, that the elective principle should be introduced into the Legislative Council. I will not stop to inquire whether such a proposition as this be right in itself, or whether, under the peculiar circumstances, it would be applicable to the Legislative Council of Canada. I will merely remind your Lordships, that not many months ago both the Houses of Parliament pronounced a negative upon that proposition, and, having pronounced that negative, I do not think it would be possible to retract it. Having pronounced, I repeat, that negative, after due deliberation and a complete review of all the circumstances connected with the affairs of Canada, I do not think that anything has since occurred to induce us to alter it. Having refused these demands when they were made to us in a menacing tone, certainly, but still not enforced by a show of arms, in 1836, I think we can hardly concede them when they are demanded of us with an appearance of armed hostility.

I think it unquestionable that Parliament is called upon to interpose its authority on the present occasion; and the only question now appears to me to be, with what objects it should so interfere. One great object, in the first instance, should be to allay those animosities which at present exist in the colony, whilst the ultimate object should always be kept in view, of restoring to these provinces the advantages of the principle of the constitution of 1791, adapting it, of course, to the change of circumstances which has taken place, and consistently with the preservation of the interests and wellbeing of all classes of her Majesty's subjects. It is admitted on all hands that there are defects in the constitution of 1791, and what those defects are it becomes the duty of Parliament to ascertain from those who are best able to give an opinion on the subject, and to remedy as in its wisdom it may think proper. The constitution extends to two provinces, namely, the Upper and the Lower province; and when Parliament comes, (I hope at no remote period,) to reconstruct that constitution, it will be its duty to ascertain the wishes of both those general communities on the subject of any proposed arrangements. Parliament should not act upon the views or wishes of persons from one province, alone, — but of such persons, from both those provinces, as may be considered best to know and to have at heart the wishes and interests of the people of the two provinces. Of this branch of the subject I am not prepared at the present moment to treat, nor do I think that in the present time of excitement and of extreme agitation which exists in this colony, any constitution, however wisely made, however wisely adapted to the general feelings of the people on ordinary occasions, would be called into operation with advantage to the people. There is already much to be done in allaying feelings of hostility and irritation, which must, I apprehend, necessarily be allayed before we can hope to bring any system of constitutional government into successful operation. It is obvious, therefore, that there must be an interval before we again introduce the constitution, improved and re-adapted as I propose that it should be. During this unavoidable interval it becomes equally necessary that the government of the colony should be carried on; and that, as appears by the title of the Bill, is the object of the present measure.

This Bill proposes to vest the government of Canada in a Governor General and Council, armed with a legislative authority, and limited in their authority to a fixed period of time; it being provided, also, that the laws enacted by their authority shall not enure beyond a given duration. Having explained the character of the measure, I at once admit that it is one which can only be justified by the exigency of the times and circumstances. But, I think, it appears obvious, that as the old constitution no longer exists, and no new one can at present be called into operation, some provision must be made in the mean time for the government of the colony. The scheme of government which this measure proposes is, no doubt, a great departure from the constitutional principles of government; but being compelled to relinquish that principle by the exigencies of the times, there is no alternative left us but to resort to a government of power and authority, in order to ensure a better state of things. But if we are compelled to depart from the constitutional principle in the present instance, the Canadians have, at least, this advantage, that the period of such departure from their accustomed privilege is fixed and determined by the Bill itself; that the measure carries with it, its own period of existence, and so cannot, by any means, be made to lay the basis of any system hereafter to be pursued, not founded upon liberal principles. As I have already said, the Bill provides for a temporary exigency, and it is the duty of Parliament to consult upon the interests of the Canadas, so as to arrive at a better permanent system of government than that which at present exists; and therefore, of course, this proposition is accompanied by a declaration that Parliament does not intend it as a permanent system of government. The language and feeling of Parliament towards Canada are those of kindness and benevolence. They do not say, "You have revolted, and therefore we come now to you with a measure of vengeance." The language of Parliament is not, that it is entering upon the present course in the character of a vindictive judge, that the Canadians have behaved ill, and therefore that they shall be deprived of their constitution for ever; on the contrary, Parliament, in passing this measure, distinctly proclaims, "We do not ask whether there be delinquencies or not, but we look to the existing state of society in the colony, and to the constitution under which it is, or has, until recently, been, governed; and admitting that this constitution has failed in many particulars, to work the purposes intended by it, we come forward as arbiters between contending and hostile parties; and, although we appear in the character of arbiters, and although we fix for a time an arbitrary authority in the colony, our anxious object is to return as soon as possible, to a wise and liberal system of government, believing that it will not be long before we shall be able to do so under brighter auspices." Much, undoubtedly, will depend upon the character, talents, and judgment of the Noble Person who will be sent out in the important post of Governor General, and I think that every reliance is to be placed upon the Noble Earl who has been appointed to the office, and I have no doubt but, with that assiduity, impartiality, and liberality which distinguish that Noble individual, he will be enabled to suggest such measures as may, eventually, accomplish the end we all have in view. Such is my opinion; and beyond this simple and plain statement of the case which I have to make, I think it is not necessary for me to trouble your Lordships further than to express a hope that, whatever may be your Lordships' opinion upon other matters connected with the subject, you will at least think that the necessity of the case justifies the measure which I propose. I now beg to move that the Bill be read a second time.

The EARL of ABERDEEN. — I trust that the expectation entertained by the Noble Baron, of your Lordships' agreeing to this measure unanimously, will be fulfilled. Concurring, as all your Lordships must do, in the professed object of this Bill now before you, which is to enable Parliament to provide for the government and constitution of Upper and Lower Canada, by a proceeding founded upon such a basis as shall secure the rights and liberties, and protect the interests, of all classes of her Majesty's subjects,—agreed, as all are, in that object, — I hope that your Lordships will not differ widely as to the first step by which it is proposed to be attained. It must naturally be supposed, however, that although your Lordships agree in this one object, many of you may come to the consideration of the subject with very different feelings upon past transactions, and especially upon the conduct of her Majesty's Ministers during the time they have been in office. I hope, however, that we shall be able to approach this question without any feelings of irritation or acrimony, and to look in a dispassionate and unprejudiced manner at the subject now immediately before us. Although, never, perhaps, in the history of the world was there a revolt less provoked, or with less possible grounds of justification, than that which has recently broken out in Canada, at the same time, I think the case is one in which the utmost display of mercy may with safety be exhibited. I am fully persuaded that the great majority of the people of Lower Canada, the *habitans* of that province, are well disposed, and would be among the most tranquil, contented, and happy people upon the face of the earth; but, unhappily, they are among the most ignorant, and, therefore, among he most easily deluded and misled. We are told, that a certain degree of information is necessary for the proper exercise of political rights and privileges, and the Noble and Learned Lord opposite, in introducing his Bill on "education," expressed himself friendly to the principle of adopting what is called a "knowledge qualification." Now, I would ask how the Canadian provinces stand in that respect? Why, it is well known that nine tenths of the French population of Lower Canada can neither read nor write; nor is this deficiency confined merely to the elective body; occasionally, Members of the Assembly, itself, have been found in the same predicament. It may be easily imagined what materials, then, present themselves amongst a people of this kind for the hands of wicked and designing men to work upon and to lead into mischief.

I should, certainly, feel very unwilling to agree to such a measure as the present, without proof that it was demanded by an evident necessity. I can easily imagine a popular outbreak of this kind occurring, and being suppressed without the necessity for recurring to such a measure. But the Noble Lord opposite has observed, that we find the constitution of Canada already suspended, and I cannot help thinking that the repeated refusal to grant supplies by the Assembly, so as totally to prevent the carrying on the government of the province, coupled with the circumstances under which this happened, was in itself a gross violation on the part of the House of Assembly, of the privileges given to it by the Legislature of this country. But, my Lords, even admitting that this part of the conduct of the Assembly, in refusing supplies, was strictly in conformity with the constitution, still, when I find their conduct positively anarchical, refusing to obey the commands of her Majesty, and declaring that they would never meet to transact the business of the province until all their demands were granted, the foremost of which demands is a remodelling of the constitution — of that very constitution by virtue of which they hold their own political existence, — I do not think it can be said that is a premature measure.

I have no wish to drag your Lordships through the mazes of this Canada discussion; but there are one or two facts connected with it, which fully justify the vote we are now called upon to give, and to which I am desirous of directing your attention. I am by no means disposed to deny that there was a time when the Assembly of Lower Canada might, with fairness and justice, have complained of grievances, and have reasonably called upon the Imperial Parliament for redress. It was with that view that, in 1828, a committee of the House of Commons was appointed, which, after much inquiry and deliberation, made a Report, touching upon all the matters laid before it, and that Report was received by Parliament with a disposition to carry its recommendations fully into effect. My Lords, how was it received by the House of Assembly of Lower Canada? In their address to Sir James Kempt they say: —

> The charges and well-founded complaints of the Canadians before that august senate were referred to a committee of the House of Commons, indicated by the Colonial Minister; and that committee exhibited a striking combination of talent and patriotism, uniting a general knowledge of public and constitutional law to a particular acquaintance with the state of both the Canadas; formally applauded all the reforms which the Canadian people and their representatives demanded, and still fervently demand. After a solemn investigation — after deep and prolonged deliberation, the committee made a Report, — an imperishable monument of their justice and profound wisdom — an authentic testimonial of the reality of our grievances, and of the justice of our complaints, faithfully interpreting our wishes and our wants. Through this Report, so honourable to its authors, his Majesty's Government has become better than ever acquainted with the true situation of this province, and can, better than ever, remedy existing grievances, and obviate difficulties for the future.

Now every recommendation contained in that Report has been fulfilled; and therefore, so far as the matter of that Report is concerned, the answer to the complaints of the House of Assembly is complete and satisfactory. I know that it has been endeavoured to be shown that the recommendations of the committee have not been carried out; but I deny that such is the case, and I am prepared to prove that so far as it depended on the Government, and on the exercise of the constitutional power of the Crown, all the complaints of the Canadians have been satisfactorily adjusted. The Government went even further than the Report of the committee required, particularly in reference to the Tenures Act, and the territorial revenues.

Without, however, going through the details of the various disputes between the provincial Government and the House of Assembly, I will merely state that the House of Assembly refused the supplies year after year, or voted them in such a way that they could not be passed; and were continually pressing new grievances upon the attention of Parliament, until, in October, 1836, they arrived at the resolution to which I have already referred, that they would no longer meet and transact the business of the state until their demands (and particularly until that one for extending the principle of popular election to the Legislative Council) were conceded.

Now, my Lords, upon a revision of this case, this question very naturally suggests itself;—namely, how it has happened that every disposition on the part of the Government of this country to meet the complaints of the Canadian people should have caused a proportionate increase of those complaints? In proportion as that friendly disposition was exhibited and acted upon, the estrangement of the Canadian Assembly became more and more decided, and their demands increased in proportion to the spirit of conciliation which was shown them. Have they of late become aware of the doctrine of instalments? Is it possible, also, that they have received some intimation that her Majesty's Government is made of compressible materials, and that with a little more exertion and show of energy they may obtain the utmost fulfilment of their most extravagant wishes? Being myself well aware of the difficulties with which her Majesty's Ministers have to contend in this matter, I am, perhaps, disposed to view more charitably than others, what many might conceive to be the blameable part of their conduct. I wish to exaggerate nothing, but I am constrained to say, that there are many points in their conduct which are open to the gravest imputations. The system of delay in which they have indulged, or rather the habit of delay, (for I do not believe that with them delay has been the result of deliberation, or the preference of any given course of action, but simply the necessary result of doing nothing;) assuredly this has been the occasion of most disadvantageous results. I do not think that the Noble Lord has adopted this Fabian policy, upon reflection, or in the hope that in after days a grateful country will inscribe upon his tomb, —

Cunctando restituit rem.

I will state a few points in which I think the Noble Lord is fairly open to the charges which have been made against him. In the first place, I am of opinion that the appointment of Lord Gosford's commission of inquiry has caused great delay, and was wholly uncalled for. Was the state of affairs at the time such as to render the inquiry needful? There had been inquiry enough, and too much. For the whole previous Session of 1834, a committee of the House of Commons had been occupied in investigating the whole matter. The committee was such as had never been seen in the House of Commons. The Colonial Office was laid open, absolutely, to the demand of any person who chose to move for papers. The Government were, therefore, at that time, in a state in which they were not only able, but in which it was incumbent on them to come to a decision on the affairs of the provinces. And now are the Noble Lords opposite to say, that they were not in a condition to come to a decision, when they must, at least, recollect that when they returned to office in 1835, they found matters connected with the Canadas in the same state in which they left them in the November preceding? The House of Assembly had not met, no step had been taken, no act had been performed to vary in any degree the character and condition in which affairs were placed; and your Lordships will be pleased to recollect that on the very day on which the Noble Viscount's Government retired from office in November, 1834, the Secretary of State for the Colonies wrote to Lord Aylmer, and told him that he was fully prepared to give instructions on every point at issue, and that he would have done so on the following day, if he had not been under the necessity of retiring from office. The Right Honourable Gentleman (Mr. Spring Rice) did not leave behind him the benefit of his full instructions, which were of course preserved in his portfolio; but though they were not at my service, they would doubtless be at the disposal of the Noble

Lord (Lord Glenelg). The Noble Lord was, therefore, able to avail himself of those instructions, fully prepared as they must have been. Besides, the Noble Lords had also in connection with their Government, a Noble Lord who had been in the Colonial Office, who had paid great attention to colonial matters, and particularly to the affairs of Canada, — I mean the Secretary at War (Lord Viscount Howick). Therefore the pretext for inquiry, which might have been blameless in a Cabinet coming into office without previous information, could not be taken advantage of by the Noble Lords opposite, who were so fully prepared to adopt a course of proceeding, and who were so familiar with the whole subject. They cannot, therefore, assign want of information as a reason for requiring delay and making further inquiry. I am justified in thinking that this commission of inquiry could have arisen from no other cause than a desire of delay ; and seeing this, I might safely predict, as I did at the time of its appointment, what would be the inevitable result of the commission. I know that it has been said, that the Noble Lords opposite only followed up the intentions of those servants of the Crown whom they succeeded. I do not deny that the commission of Lord Amherst might have had no better success than the commission of Lord Gosford and his colleagues, but at least it would have done this ; it would have been intelligible, clear, and explicit in the object and views with which it was sent out ; and, above all, it would not have aggravated the difficulties that existed at the time. To show the difference between the two commissions, I may state that when Lord Amherst undertook the commission, his family affairs rendered it extremely inconvenient for him to be absent from this country ; and when he inquired the time which he would probably be engaged in Canada, he was told by me, that it was impossible to say with perfect accuracy, but that in six weeks or two months after his arrival, every thing ought to be settled either one way or another ; and that if, unfortunately, he was not successful, at least by that time Parliament would be prepared to deal with the subject as they should think fit. But when Lord Gosford made the same request of the Noble Lord opposite (Lord Glenelg), he was informed that the inquiry would probably last for two years. At that time, and in the state the province was in, two years was an eternity. Under these circumstances, a commission so appointed and with these objects, instead of doing good, could not fail to leave matters worse than they were. This is the first instance of delay which I charge against her Majesty's Government.

The next instance of what I consider culpable delay, arises on the Report of the commissioners themselves. In the Second Report of the commissioners of the 12th of March, 1836, the commissioners, after stating that the spirit of the House of Assembly was such as to render it perfectly hopeless to contend with it, recommended that it should be proposed to Parliament to repeal or suspend the 1st and 2d of Will. IV., namely, the Act which gave the appropriation of those revenues to the House of Assembly which were before under the control of the Government. In recommending the suspension of this Act, it is singular that it was almost the only thing that the commissioners unanimously agreed in recommending ; for, able as they were, and valuable as their Reports might be, they differed from each other on almost every other matter. What did the Noble Lord (Lord Glenelg) do ? The Noble Lord thought, or affected to think, for I hardly believe it possible, after what had passed, that the Noble Lord could have seriously thought, that the House of Assembly had acted under some misapprehension, that they were led away by having seen a portion of the instructions to Lord Gosford published, and that if they had known the whole of them, they would have acted very differently ; the Noble Lord, therefore, declined to comply with the joint recommendation of the commissioners, and says to Lord Gosford, " Call another Session, present the whole of your instructions to the House of Assembly, and then let us see whether they will not take a different view of the subject." One can hardly imagine that the Noble Lord could seriously hope for any change ; but, however, Lord Gosford did call another Session, and he did present his instructions to the Assembly *in extenso*, and what was the result ? After resolutions much more stringent in their terms, and laying aside all respect and decorum, the House of Assembly summed up their demands by stating, " that the same circumstances, as well as the previous consideration of the salutary principle above referred to, namely, the principle of having a complete redress of grievances before they voted the supplies, rendered it incumbent upon them to adjourn their deliberations till Government should, by their acts, redress the grievances complained of, and especially by rendering the second branch of the Legislature conformable to the wishes and the wants of the people." The House of Assembly therefore declined to make any change of the character to which the Noble Lord referred. This I also think is a case merely of delay, for I do not suppose the Noble Lord could seriously have expected that the consideration of these instructions of which the House of Assembly was already in possession of the substance, would produce any such change as the Noble Baron (Glenelg) affected to expect.

The next proof of delay I have to adduce is, that most extraordinary and incomprehensible delay which took place in the nomination of the executive councillors and the members of the Legislative Council. It had always been intended to nominate as members of those Councils, gentlemen possessed of the good opinions of the people, and who were deservedly popular in the province. I believe that ever since the committee of 1828, the persons who have been appointed have been all of them unconnected with the Government, holding no office, possessing also pecuniary independence, and who were in other respects eligible to the situation; but it was desirable by all practicable means to conciliate the feelings of a numerous portion of the community, by appointing persons in whom they had confidence, and to whom they could look with respect. This had always been the desire and the expressed intention of the Government, that such persons should be appointed when the Government could properly place them in the Council; at least that no bar should exist against the appointment of any man who had deserved justly the confidence of the people. The commissioners, in their very full Report on the composition of the Executive Council, recommended the principle on which the nomination should take place. This Report is dated the 3d of May, 1836, and any one would have thought the plan was simple and easy, and that Government would have adopted the principle; but nothing was done upon this Report until the 14th of July, 1837, when the Noble Baron (Glenelg) wrote his instructions to Lord Gosford on the subject. What could possibly have been the reason for this delay, and how did the Noble Lord instruct the commissioners? By nominating the councillors? Not a bit of it. The Noble Lord left Lord Gosford to act according to his own discretion, and to do exactly what he pleased. Why could not the Noble Lord, instead of waiting a year and a half, have done this at first? If the Noble Lord was right at last, in giving to Lord Gosford a discretionary power to nominate whom he pleased, why might not the Noble Lord have taken the same course in the first instance? And then let your Lordships mark at what time this was done — a time when it could not possibly be of any use. I admit, with respect to the feelings of a great body of the Canadians, that, although a matter of no great importance in itself, it might have gratified the vanity of many of them, and would have been a popular measure had it been conceded, even if it had led to no particular good. But your Lordships must recollect, that after having sent out the resolutions of last year, and that after their arrival in the colony, having produced all that irritation which they were calculated to cause, then came this concession of the nomination of the executive councillors, at a time when a measure of that sort could not possibly produce that good effect which it might have done had it been seasonable. This is an instance of what I shall call pitiable delay, for I cannot understand how there could have been so much irresolution in a matter that appeared so simple and easy. If the Noble Baron (Glenelg) had directed the commissioners strictly to scrutinise the claims of these gentlemen, and if the responsibility in the selection of them was one which affected the Colonial Office in London, I can understand that there might be some difficulty in arriving at a satisfactory opinion; but as the difficulty was left after all to the discretion of Lord Gosford, surely the Noble Baron opposite might have adopted this course, during any portion of the time that had already elapsed.

I must also say, that I think the manner in which we passed the resolutions of last year was accompanied by very culpable and mischievous delay. Those resolutions were introduced into Parliament in the other House early in March. They did not pass this House, till early in May. They were carried in the other House by overwhelming majorities: every means were offered to expedite their progress. The Noble Lords opposite knew perfectly well, therefore, that if some of their friends offered a little opposition, from their opponents they would meet with none, but that every means would be taken to expedite the passing of the resolutions. The Noble Lords knew the value of expedition. In this House the resolutions met with but the solitary opposition of the Noble and Learned Lord opposite (Lord Brougham). They therefore took two months in their passage through both Houses, without any reason having ever been assigned for that. The resolutions were postponed from day to day, in the most unaccountable manner, but for no good reason, to men determined to make that haste which the importance of the subject deserved. And when at length they did receive the assent of this House, what was done? Instead of the Noble Lords opposite being ready on the next day with a Bill founded on the resolutions, they left them in their then state, and sent them to Canada, unaccompanied by the prospect of any legislative enactment. No doubt the events of that period and the demise of the Crown, might, under certain circumstances, be pleaded as an excuse; but, then, there was plenty of time before the demise of his late Majesty to pass a Bill, if the Noble Lords opposite had been disposed to avail themselves of it. As to the reason assigned for not proceeding, —namely, in order not to wound the feelings of her Majesty in the beginning of her reign by a measure of this sort, — it has already been treated with the contempt it deserves. There was, in truth, time enough: but the illness of his late Majesty was of a description to make it probable, and the accession of her present Majesty made it certain, that a general election would soon take place; and I am driven to the supposition that it must have been to avoid the inconvenience of the friends of the Government, in the other House, going before the electors, after a measure founded on those resolutions should have been passed. I can account for the delay in no other way. It is intelligible on no other reasoning. Either the Noble Lords opposite were ignorant of the urgency and importance of the crisis, which is impossible, or they must have sacrificed that importance for the accommodation of their friends.

Having stated these instances of culpable delay, I will now make a few remarks upon the military defence of the provinces, and the state of Lower Canada. Having heard the opinion, on a former occasion, of my Noble Friend near me (the Duke of Wellington), and of others well qualified, as military authorities, to speak on this subject, I certainly will not take upon myself to blame Ministers for not having sent a reinforcement to Canada; but I cannot help adverting to the extraordinary reason assigned by the Noble Viscount opposite (Viscount Melbourne) on a former occasion, when he said, that he had considered the unpleasant effect which might have been produced on the public mind in the province, by the arrival of additional troops. After sending out the resolutions, the Noble Viscount need not have troubled himself about the effect produced on the public mind, by the arrival of additional troops. The extraordinary reason which I think justified the Noble Lords for not sending out troops was this, that competent military opinions had been received, at least I presume they had been received, by the Noble Viscount, as I had received them myself, as well as my Noble Friend, to the effect, that a rising in the provinces was not probable, and that if it actually took place, there was a sufficient force there to put it down. In the first opinion they were mistaken, but in the second they were more correct. But at all events the Noble Lords opposite knew, that troops must be taken from the neighbouring provinces of Nova Scotia and New Brunswick, and there was no reason why those places, at least, should not have been supplied with fresh troops. It appears that Sir C. Campbell actually applied for a reinforcement, when he was called upon to despatch troops from Nova Scotia to Canada. This is proved from the confession of the Noble Baron (Lord Glenelg) himself; and, further, that he received this communication in August, at a time when he might have complied with Sir C. Campbell's wishes. There is, therefore, surely, in this respect, great remissness. But I must observe, also, that military authorities, in their opinions, are not unfrequently disposed to look rather to the result of the contest, than to its prevention. They are, not unnaturally, perhaps, disposed to undervalue this view of the subject, as seeming to betray a degree of over caution and timidity. But there is a great difference between the force necessary to prevent a revolt, and that necessary to repress it. I recollect, some years ago, a highly distinguished officer who was employed in a command when a rising of the people was expected, and when the Government applied to him to know if he required the whole amount of his force, and if it were possible to spare any that were under his command, the answer was this: "Before I answer your question, I must know what you require of me. If you require me to prevent a rising, I cannot spare a man; but if you only require me to put it down, when it shall have taken place, in that case probably half the number will be sufficient." Though, therefore, I have all possible respect for military views and opinions, still I think it not improbable that many considerations might not have been entered into so fully as might possibly have been the case, under other circumstances. Having thus pointed out in what respect I think the conduct of her Majesty's Ministers is gravely deserving of censure on the part of this House, I will repeat what I have already stated, that to the Bill itself it is not my intention to offer any opposition. At the same time, I must say that the Bill is, in one point, somewhat singular — I believe, indeed, that it has been so amended, that whatever may have been thought of it in its original and crude state, it was greatly improved before it arrived in this House. Besides various clauses, I see, by the votes on the table, that the Bill has a new preamble; and I perceive, by the votes of the House of Commons, that it formerly had a preamble which is stigmatised as "abominable;" but as one has now been substituted, which is certainly unexceptionable, there is no doubt that the Bill has been changed for the better. But accompanying this Bill, we have, produced by the Government, a paper, which nobody ever thought of asking for — that purports to be an extract from a despatch to the Noble Earl who is about to undertake the government of the Canadas. The despatch was dated on the 20th of January, and the Noble Earl (the Earl of Durham) will not depart, in all probability, till the middle of April. What, then, was the object of introducing this despatch to the House? It was, I presume, to enforce, or rather to bolster up and explain, the "abominable" preamble, in which some such doctrine as that divulged in the despatch was referred to. But this paper recommends the calling of a convention, and it is evidently produced for the purpose of giving the preamble some countenance. This despatch has, however, been characterised as eminently absurd; and as the preamble is now removed, which this despatch was intended to support, it must, consequently, be described, at present, as preeminently absurd. But what does it amount to? This paper directs the Noble Earl (the Earl of Durham) to summon a convention, after a certain mode therein pointed out. But, again, I understand that it has been recently stated, and on very high authority, that the Bill itself, as it stands, will render such a proceeding illegal. The Noble Earl, therefore, will never be able to execute the instructions, in consequence of the provisions of the Bill itself, —which prohibit such a proceeding as the calling a convention, as illegal. How are we, now, to describe this instruction? As I have exhausted the superlative expression already, I can only say in addition, that this last circumstance renders it super-saturated with absurdity. If it were not for one little expression that reconciles these contradictions, I should have thought that the Noble Earl was placed in an awkward predicament, in being ordered to do what has been pronounced illegal. But I perceive that the Noble Earl is ordered to summon a convention "if he shall so think fit." Now, I will venture to say that he will not so think fit, and in that case, he may put his instructions in his pocket — he may do what he pleases with them, provided he does not carry them into effect. I make no objection, here, to the nomination of the Noble Earl. I think it is incumbent on Ministers, in execution of the measures which have met with the approbation of Parliament, to employ those instruments which they think are best calculated to ensure their success. I have too much respect for the prerogative of the Crown to question the appointment of persons who are delegated for such a purpose, and it must be a strong case indeed that would ever make me do so. But without meaning any disrespect to the Noble Earl (the Earl of Durham), I must say, that I think his nomination to this high office has not been entirely confined to the purpose of pacifying the revolted subjects of the Queen in the province of Lower Canada. I rather suspect that the appointment has also a reference to the pacification of certain disaffected and rebelliously disposed persons in this country, persons disaffected to the Noble Lords opposite, and whose turbulence may have become somewhat alarming. In this respect the appointment of the Noble Earl has been attended with very singular success; and I sincerely hope — for what impression it may produce on the other side of the water, or how it will operate there, I know not — but I sincerely hope that it will produce there the good effects which it certainly has produced here; for it has, seemingly, pacified the disturbed and disaffected party to whom I have alluded.

When the Noble Earl (the Earl of Durham) shall have arrived in Canada, there are three great questions on which he will find himself at issue with the House of Assembly. They are these,—namely, the repeal of the Tenures Act, without any security for the titles of those who possess land under it; the repeal of the charter of the Land Company; and thirdly, the establishment of the principle of election in the constitution of the Legislative Council. The two first questions there is no difference about in this House, or in the House of Commons. I believe that even the Noble and Learned Lord (Lord Brougham) has consented to the resolution which declares that the Land Company's charter shall not be abrogated; and also, that the Tenures Act shall not be repealed, without securing the titles of those who possess under it. The Noble and Learned Lord may possibly be guilty of some political extravagances, but I am sure that, in anything which relates to justice, and where the honour of the country and of Parliament is concerned, he would be one of the first to support the necessary measures for preserving them inviolate. The Noble and Learned Lord, the other night, took an opportunity of volunteering his advice to the Noble Earl (the Earl of Durham) on the subject of the Legislative Council, and said that it would be useless for the Noble Earl to proceed to Canada, unless he was prepared to make the Legislative Council elective.

LORD BROUGHAM. — Unless he had power given him by the instructions.

The EARL of ABERDEEN. — Yes, that unless the Noble Earl has power to make the Council elective, he may save himself the trouble of a voyage. Now, without being asked, more than the Noble and Learned Lord, I will also volunteer an opinion on this subject; and I will tell the Noble Earl that, if he is prepared to make the Legislative Council of Lower Canada elective, he must be ready to sever that province from the dominion of Great Britain. Such a course would be entirely at variance with the whole colonial system of this country. You may make the constitutions of your colonies as free as you please, and the freer the better, but the colonies of this country must be governed on monarchical principles. I know there are those who say, that republican institutions work very well in the United States. It is very possible they may; but there is this great difference, that in our colonies we must necessarily preserve the monarchical principles of government in some shape or other. I can understand the case of a republic being in the closest alliance with a monarchy, or under protection of and dependence upon a monarchy, but I cannot comprehend how a republic can form any portion of a monarchical system. I am quite sure of this, that the making of the Legislative Council elective would tend to the speedy separation of the province from this country. It is no doubt true that, in the course of ages, this event is equally certain, let their government be carried on in whatever manner, and under whatever system, we please. I see no reason for closing our eyes to this fact. Perhaps, indeed, the very efforts that we make to increase the wealth, the prosperity, and the power of the colonies, will naturally tend to hasten this result. I think it would be as unwise for us to forget this, altogether, as it would be for any of your Lordships, in his full health and vigour, to forget that, at some time or other, he must taste of death. Both events are equally certain; and, although each may be postponed to a very distant day, we ought still to be prepared for it. By good government, by wise administration, the period of separation may be removed far from us; and I certainly see no reason why we ought not to look forward to long years of mutual happiness and prosperity being in store for us. Your Lordships must all, I am sure, recollect that beautiful passage in Mr. Burke's speech on conciliation with America, in which he imagines the good genius of the first Lord Bathurst, at the commencement of the last century, addressing him, who was then an ingenuous and auspicious youth, and pointing out to him what would be the future progress and rising prosperity of the American colonies; and telling him of all the wonders he might expect to behold respecting them, before he descended into the grave. I think that, with our present provinces of North America, there is no reason why we may not hope that our children may behold in them, all,—and more than — Lord Bathurst ever lived to witness in our North American colonies. The progress of these provinces has been great — it has been more rapid, in many respects, than that of those which now form the United States. Let us hope that the termination of the vision may be more prosperous and happy; and that, if ever a separation do take place, it may be brought about, not in contention and bloodshed, but in amity and peace.

LORD BROUGHAM. — How comes it to pass, my Lords, by what fate of mine is it, that as often as this great question of our colonies comes on in this place — whether in the ill-fated resolutions of last May, or in the interlocutory conversations raised by the expectations of this measure, or on the address which announced its nearer approach, or now on the Bill itself which embodies it, — I alone should be found to interrupt the harmony of your councils — alone to oppose a Bill presented by the Government without any defence, but immediately taken up and zealously supported by their adversaries — alone to rise up in defence of the Constitution — alone to resist the breach of all law, the violation of all justice, in this high court of law, which distributes justice without appeal — alone to withstand arbitrary and tyrannical innovations, standing here in the Senate — the conservative Senate of a free country — alone to maintain the peace, and stay the dismemberment of the empire, among your Lordships, who of all men that live have the deepest interest in peace, and the empire being preserved entire? The position which I occupy is surrounded with difficulty and embarrassment; the task I perform is a thankless one; but I will not — I may not — abandon the post in which my duty has planted me; and I am here, at the last hour of the hateful conflict, again attempting to discharge this ungrateful duty. From so unequal a contest I may retire defeated, but not disgraced. I am aware that I may gain no advantage for those whose rights I am defending, but I am well assured that I shall retain the approval of my own mind.

When the question of Canada was last before us, I purposely avoided following the Noble Secretary of State over the ground to which he invited me, because I knew that another opportunity would occur for discussing the provisions of the measure, the outline of which he then gave by anticipation. That occasion has now arrived, and I have attentively, and, as became me, respectfully listened to the statement of my Noble Friend. I find that he has said, in explanation of the Bill — nothing; in defence of the Bill — nothing. Not a gleam of light was cast by him upon its darker places; nothing was said to clear up the obscurities which are remarked in its arrangements; nothing to reconcile the incongruities with which it abounds; nothing to make a measure acceptable, which all allow to be harsh and arbitrary; nothing to show why it is introduced now rather than at any other time. In short, nothing whatever is urged in defence or in palliation of the Government's policy, save the very able, and, on that portion of the subject, the very temperate speech of the Noble Earl opposite (Lord Aberdeen), an avowed adversary of the Government on all other questions. And, it must be granted, that the Noble Earl anxiously confined his support to the measure itself, and suffered no portion of his eulogy to overflow upon its authors. Taking under his protection the offspring of the Cabinet, which had been abandoned by its parent as soon as it saw the light, the Noble Earl fosters it with no stepmother's care, plainly showing that had such a thing not been engendered on this side of the House, we should have had it produced on the other. Before going, however, to the arguments for the measure, I must advert for a moment to the course pursued by the Noble Earl in following up the Noble Duke (Wellington) and Noble Earl's (Ripon's) protest against having it conceived that their approval of the Bill implied any approval of the Government's conduct, on which they intended afterwards to pronounce their free opinion. That opinion has now, indeed, been very freely pronounced by the Noble Earl; and in listening to it, I could not help reverting to the extreme offence taken by my Noble Friend, a few nights ago, at the freedom of my remarks upon the same subject. I could not help recollecting the elaborate contrast which these remarks called forth between my conduct towards old colleagues and the Noble Duke's, who had so chivalrously come to the defence of his opponents — coupled with the panegyric pronounced (God knows, most justly) on the vast superiority of the Duke's mind to his of whose attack the Noble Secretary of State so bitterly complained. I really suspect that, to-night, if any such comparisons are instituted between me and the Noble Earl, I may look forward to a more favourable verdict from my Noble Friend. Not that the professions or the tone of the Noble Earl have been less friendly than those of the Noble Duke; for he promised to treat the Government with charity. My Lords, the Noble Earl's is not that charity which covers a multitude of transgressions, but rather that which covers a multitude of attacks. Anything less kindly I have seldom heard than the performance of this fine promise, — anything more bitter to taste than the fruit that followed a blossom so fair to behold. I am in hopes that it may, by its contrast with my milder rebuke, have the effect of restoring me to the affections of my Noble Friend. Of this I am quite certain, that he would fain I interposed to rescue him from the bands into which he has now fallen; and to deliver him from the Earl, as the Noble Duke before delivered him from me. He must be most anxious to be saved from the charity of the Noble Earl, and as for the forbearance he promised, why it was really worse to bear than the charity itself. He would not even give the conduct of Government the poor praise of being systematically wrong. It is not a system of delay, said he — it is a practice originating in inveterate and incurable habits of wavering, vacillation, and infirmity of purpose — and all this applied to describe the conduct of a great Minister, in a great emergency, which called imperiously for the very opposite qualities — and this, the Noble Earl's way of showing his forbearance in the exercise of his charity!

Having endeavoured to set myself right on the personal matters connected with this question, and so removed the trivial parts of the subject, the way is now cleared for arriving at the important part of the argument; and I approach this, I confess, with some degree of anxiety, fearful of wearying your Lordships by repetitions which it is hardly possible to avoid. The conduct of the Canadian Assembly is attacked again — that body is condemned, by my Noble Friend, for an abuse of their privileges — by the Noble Earl, with more accuracy of expression, for a breach of duty in refusing supplies — it is, indeed, the whole defence of the measure before you. Both these Noble Lords contend that, after such a refusal in Canada, there is but one course to be taken here — to suspend the constitution altogether. The powers you gave the colony are abused: therefore take away the constitution — not, observe, resume the powers that have been abused — but take away all powers together. That is the argument; neither, as I think, very conclusive, nor even quite intelligible. The Noble Earl praised the proceedings of the committee that sat in 1828, and quoted the Assembly's words in order to prove that the colonists were then satisfied and grateful. No doubt they were, because their grievances were considered, and redress was promised. The same kindly feelings continued not only till 1831, but after that year; they were even increased by the great measures of that year, which gave them the control of the supplies — the power of the purse. What were those complaints which then arose against them? They had been told, that whatever grievances they complained of, the power of refusing supplies gave them the means of obtaining redress — that they no longer were mocked with the name of the English constitution, but had the reality conferred upon them, with all its rights. The power which we told them we had thus bestowed, and boasted of our kindness in bestowing, the short-sighted, simple-minded men proceeded to use, as if they really believed they had gotten it! Innocent individuals! to believe what you told them, and act upon the belief! — to believe you when you said they might give their money, or might withhold it, as they chose — and they chose to withhold it! — to fancy that you meant something when you said they could now stand out for redress if they had anything to complain of, — and then to stand out in the very way you had said they might! You gave them a specific power for a particular purpose, and the instant they use it for that very purpose, you turn round upon them, and say, — "Saw any one ever the like of this? Were ever men before so unreasonable? You are absolutely doing what you were told you had a full right to do whenever you pleased. Why, you are exercising the very rights the constitution gave you. You are using the privileges we bestowed, and using them for the purpose they were meant to serve. You are therefore abusing them. You are acting by the strict letter of your new constitution — therefore you are unworthy of it, and we shall instantly take the new constitution away, and not only the new but the old, which you have had for near half a century." Such is the mockery — the unbearable insult, which you have put upon this people. First, you boast of having given them the power of the purse, and then the first time they use it, you cry out that they are acting illegally. It turns out that this power of granting or refusing supplies was all the while never intended to serve any other purpose than rounding a period in some conciliatory royal despatch from Downing Street, or some gracious vice-regal speech at Quebec. The real meaning of the whole was simply this: — You shall have the power of doing as you choose about supplies, but always upon this condition, that you shall choose to do as we please. You have the option of giving or refusing, but understand distinctly, that if you exercise it in any way but one, you forfeit it, and with it all your other privileges.

As for the Noble Duke (Wellington), I can far more easily understand his course upon the present occasion, because he singly opposed the Bill of 1831, and entered his protest upon our Journals. He objected altogether to giving the power over supplies which that Bill bestowed. But when I turn to my Noble Friends, the authors of that Bill, they who gave that power, what am I to think, when I find them crying out treason the instant it is used? Nay, I find them not merely complaining of its use, but because it is used, they take away, not only the power itself, but the whole constitution given by

Mr. Pitt's Bill of 1791, or rather Lord Grenville's — for he was the author of the constitution — and substituting in its stead what they themselves allow to be an arbitrary and tyrannical form of government. The crime charged upon the Canadians, and for which they are to be punished by the loss of their free constitution, is refusing supplies. Instantly the resolutions are passed. The Noble Earl (Aberdeen) confesses that those resolutions are calculated to harass and vex the Canadians. Then their natural consequences follow: the Canadians are irritated, and no precaution whatever is taken to prevent them from revolting; not a man is sent; not an order issued; not an instruction forwarded; not one line written; not one word spoken to prevent what is freely admitted to be the natural consequences of the resolutions! All this seems sufficiently marvellous; but this is not all: We now have a scene disclosed that baffles description and mocks belief — a scene which I defy the history of all civilised, all Christian countries to match. A Governor appointed to administer the law, to exercise the authority of the state for the protection of the subject; one commissioned to distribute justice in mercy; whose office it is above that of all mankind to prevent crimes, and only to punish them when it exceeds his power to prevent their being committed; he who, before all, because above all, is bound to guard against offences the people committed to his care; he who first and foremost is planted by the Sovereign in authority to keep the people out of doing any wrong, that the law may not be broken, and there may be no evil-doers to punish; he it is that we now see boasting in his despatches, wherein he chronicles his exploits; boasting yet more largely in the speech he makes from the throne which his conduct is shaking, to the people whom he is misgoverning; boasting that he refrained from checking the machinations he knew were going on; that, aware of the preparations making for rebellion, he purposely suffered them to proceed; that, informed the crime was hatching, he wilfully permitted it to be brought forth; that, acquainted with the plans laying by traitors, with the disaffection hourly spreading, with the maturity every moment approached by treason, with the seductions practised upon the loyal subject, with the approach each instant made by the plot towards its final completion, and its explosion in a widespread revolt; he, the chief magistrate and guardian of the peace and executor of the law, yet deemed it fitting that he should suffer all to go on uninterrupted, unmolested; should turn a deaf ear to the demands of the peaceable and the loyal for protection, lest any such interference should stay the course of rebellion; nay, sent away the troops, for the express purpose of enticing the disaffected to pursue and to quicken the course of their crimes! Gracious God! Do I live in a civilised country? Am I to be told that such is the conduct of a parent state towards her children of the colonies? Is this the protection which we extend to the subjects over whom we undertake to rule on the other side of the Atlantic? Does it after all turn out that our way of governing distant provinces is to witness disaffection, and encourage it till it becomes treason; to avoid all interference which may stay its progress; to remove all our force, lest it might peradventure control the rebellious, while it comforted and protected the loyal? The fact was known, but the plan is now avowed; and the fatal result is before the world. Blood has been shed, but not on one side only: the blood of the disaffected has indeed flowed; but so also has the blood of those whom our wicked policy had suffered traitors to seduce. It was not until that horrid catastrophe had happened, that the King's peace was allowed to be restored! I am filled with unutterable horror and dismay at this scene! I appeal to the bench of Bishops! I call upon them that they lay this matter to their hearts, and reflect upon the duty and the office of a Christian man. Shall he be held guiltless, be his station what it may, if he allows sin in others whom he has the power to save from it, much more if he takes measures for ensnaring his brother into guilt, that he may fall, and pay the penalty of his transgression? How much more, then, if he be a ruler of the people, set over them to keep them right! I call upon the reverend judges of the land to frown down, by their high authority, this monstrous iniquity! Let them tell how they deal with the men who come before their tribunals, not as vindicators of crime, and enforcers of the law, but as tempters to seduce the unwary, and make him their prey! Let them describe to us those feelings which fill their breasts, when the very scum of the earth's scum is cast up before the judgment-seat, — that indignation which agitates them, and seeks its vent upon the head of him who might have prevented the law from being broken, but prefers, for some sordid purpose, standing by to see the offence perpetrated, and then drags his victim to justice! That indignation they must now transfer to this place, and pour it upon the supreme ruler of a province, who has the courage to boast that such has been his conduct towards the people committed to his care; vaunting of such misdeeds to the sovereign who employed him, and to the subjects whom he misgoverned in the trust which he betrayed. It is well for him to speak with regret of the blood thus spilt — well to lament the gallant Colonel Moody thus foully slaughtered, and who would never have been attacked, had the troops been left at their post whom the Governor made it his boast that he had sent away! Possibly the whole may be the after-thought of a vain man, which he never would have uttered had the revolt not been put down. But, assuredly, if the force had remained, we should have had to rejoice in its prevention instead of its suppression; and instead of lamenting bootlessly the loss of the gallant men thus sacrificed, he might have had the better feeling to indulge of saving their lives to their country, and preserving instead of restoring the public peace which he was sent to maintain.

The same Governor, however, has not, as I find, been satisfied with a civil war; he must needs do his best to endanger the peace with the United States. He has threatened that powerful neighbour with hostilities. It appears that the neutrality of the American territory has been violated, nor could such an event excite surprise. A volunteer force must always be less easy to control, and more prone to commit excesses, than those regularly disciplined troops who were sent away at the time their services were most indispensable. The Noble Duke (Wellington) expressed himself satisfied with the force in the Canadas, upon the authority of military men whose opinions he had taken. No one is more ready than I am to be guided by such authority — that is to say, upon all military questions. If we are asked whether a certain number of troops be sufficient to defend a post, or even to put down a revolt which has actually broken out, to the opinion of military men I will bow; not so where the question is, what force should be kept in a province in order to prevent all revolt from taking place,—that is a question of civil and not military polity. Still more if the question be, whether it is fitter to keep down all rebellion, than to wait till it rages, and then suppress it: that is no more a military question than any of those matters which daily occupy the attention of Parliament; no more than a Bill relative to police, or to any other department of the civil government of the country. The Noble Earl (Aberdeen), with much good sense, referred to a high authority, and cited a very sound opinion, upon this grave and important subject, when he repeated the valuable saying of an eminent man, that "a far less force might be required to put down a revolt than to prevent one." The charge I now make runs through the whole of the question before us; and one more serious cannot be brought against any Government. The Ministers are accused, and as yet without offering explanation or defence, of having occasioned, by their own incapacity and that of their emissaries, a civil war, the effusion of innocent blood, and the seduction of loyal subjects from their allegiance. Upon the same gross neglect, and the necessity of employing an undisciplined and insubordinate rabble, is also charged the rupture with America, to which that neglect led, not indirectly and as a remote consequence, but by a plain, direct, short route, which might all along have been easily seen and closed up. My Lords, I most deeply lament any occurrence as most disastrous and appalling, which can endanger our relations of peace and amity with the United States. But I would not be understood as thinking that this most untoward occurrence will lead to a rupture, though I fear it will exasperate men's minds and embitter the feelings, already not too kindly, which the last American war left behind it. I know, however, the good sense which, generally speaking, prevails among the people of America; the sound policy which, for the most part, guides the councils of its government. Long may that policy continue! Long may that great union last! Its endurance is of paramount importance to the peace of the world, to the best interests of humanity, to the general improvement of mankind. Nor do I see how, if any disaster were to happen which should break up the union, considering the incurably warlike nature of man, the peace of the New World could long be maintained. But in the present case, met, as I have no doubt these wholesome dispositions towards amity will be by corresponding sentiments on this side of the Atlantic, I cherish the hope that after discussion, and explanation, and conferences, and negotiations, satisfaction will be yielded where outrage has been offered, redress will not be withholden where injury has been done, and the occasion of quarrel for the present be avoided. But there will not be an end of the consequences that must inevitably follow from this unhappy affair. The public mind will be seriously and generally irritated; the disposition to interfere with us in Canada will become far more difficult to repress; and a Government at all times feeble to control the conduct of individuals will become wholly impotent against so prevailing a spirit of hostility. All these mischiefs I charge upon the same inexcusable, inexplicable neglect, which has left Canada bare of defence against the progress of discontent, at the moment when your rash, violent, headlong policy had excited the universal resentment of your American subjects.

But your own faults are, with unparalleled injustice, to be laid at the door of the colonists: because you have misgoverned them, and alienated their affections, they are to be punished by the loss of their free constitution. Now, grant even that some portion of them have no justification and no excuse for their conduct, I ask you how you defend the policy of punishing the whole community for the errors or the offences of a few? I will not here stop to solve the problem, what proportion of a people must sin before you are entitled to visit the whole with penalty and coercion; but I will ask you to recollect the argument used a few days ago by the Ministers, when I complained of no troops having been sent to preserve the peace. The outbreak was then represented as a mere trifle; an affray in which but few of the people, but a handful of men, had taken any part, — it was confined to a corner of the province, — to the banks of the Richelieu alone, — while all the rest of the country was peaceable, loyal, and firm. In Upper Canada not a soldier was wanted, and the Governor had sent every man away, — returning to the inquiry, how many he could spare, the vapouring answer, "All!" Even in Lower Canada, six counties out of the seven were in a state of profound tranquillity, and but few parishes in the seventh had shown any signs of disaffection at all; almost all else was loyalty, devotion, and zeal. Such was the Ministerial statement last week. Then how do you propose to reward all this loyal devotion and patriotic zeal? By depriving, not the criminal and seditious portion of the people, but the whole community, of their rights; by punishing, not the one county where the peace has been broken, but the other six also, where perfect tranquillity has reigned uninterrupted. And you intend to take away, not only rights that have been abused, not only privileges that have been too rigorously exercised, but all the rights and privileges together, which for near half a century the Canadians have enjoyed. They are told, that for the transgressions of a few the whole liberties of the people are at an end; and my Noble Friend himself, a well-known friend of liberty, an advocate of popular rights, is to proceed among them in the character of dictator, to enforce the Act for establishing among them a despotism never before known in any part of the British dominions. But without stopping to inquire longer into the justice of this policy, let us only ask whether or not it is consistent with our conduct towards other portions of the people; whether or not we treat all parts of the empire in this kind of way? Is it the course we undeviatingly pursue everywhere, through good report and through evil report? Suppose we had to deal with a province situated not three thousand miles off, but almost within sight of our own shores; inhabited, not by half a million, but seven or eight millions of people; not unrepresented in Parliament, but sending over above a hundred zealous and active delegates to speak its wishes and look after its interests; and suppose that of these a large proportion, say not less than seventy, were the sworn allies, the staunch friends, the thick and thin supporters, the unhesitating, unscrupulous voters of the very Administration which has been forging fetters for the Canadians, — the remote, unfriended, unrepresented Canadians, — how would the same Government have treated the portion of the empire now called Canada, but which would then have borne another name? Suppose the leader of the seventy faithful adherents, the Monsieur Papineau as he is now termed, the zealous and valuable coadjutor of the Ministers, should take up the question of an elective council, — should strenuously exert himself for its success, — I must here use an European expression to be understood, — should agitate for it, — would his urgent demands be treated with scorn, and the prayers of his countrymen and followers be rejected with disdain? My Noble Friend, who represents the Ministry elsewhere (Lord John Russell) has furnished an answer to all these questions. Quoting from Mr. Fox, and greatly exaggerating that great man's meaning by taking literally what was said loosely, if seriously, my Noble Friend has laid it down, that in Irish affairs there is but one rule for governing the people; — and what do your Lordships think that golden rule is? By doing what is right and just? By pursuing the policy which the interests of all require? No such thing. The rule is far simpler than that. By administering, as my Noble Friend on the cross bench did (Marquess of Anglesea), justice tempered with mercy,—evincing at all times the most watchful care of the people's interests, mingled with the most undeviating condescension and kindness of demeanour towards their persons,—at once endearing himself to them by the frank urbanity of his manners, and taking care that their best interests should be unceasingly promoted,—doing them justice, securing them right, but at the same time holding the balance equal, with a firm, a manly hand; and never, for any consideration, abdicating those functions of a Government from which its very name is derived? Nothing like it. What, then, is my Noble Friend the Home Secretary's rule for governing a people? Is it to do what you ought by them? to give them what is good for them? to let them have what you ought to give, and nothing more? Oh, no such thing; but it is to let them have just what they themselves wish; to do as they bid you,—as they, the subjects, bid you, their governors; in a word, to let them save you the trouble of governing them by leaving them to govern themselves. That is the rule applied to a country which is close by, with six millions of men whom one common sentiment binds together, who follow one concentrated and individual influence, and who send seventy voters to the aid of the Ministry in the other House. The rule for dealing with them is, "Give them all they ask: if an elective council, let it be elective; if a life council, be it for life;—just as they please." But for Canada, far off, thinly peopled, and without the fraction of a Member in either House to make its grievances known, or give expression and force to its desires, another rule prevails,—"Refuse all they ask; turn a deaf ear to every complaint; mock them with hopes never to be realised; insult them with rights which when they dare to use shall be rudely torn from them; and for abiding by the law, in seeking redress of their wrongs, punish them by the infliction of a dictator and a despotism." We have all seen, or we have read, of the contrast between a parent and a stepmother in the treatment of the child; the contrast between tenderness, self-denial, self-devotion,—and cruelty, self-indulgence, studied neglect. The one exhausts every resource of kindness and conciliation, anticipates all wants, yields to each wish that ought to be granted, studies to prevent offences by judicious training, and to reclaim from error by gentleness alone; nor ever has recourse to punishment until all means of prevention fail, and the safety of the cherished object forces her to do violence to her feelings rather than neglect her duty. But I have known conduct the reverse of all this. Who, indeed, has not heard of the stepmother,—watching for the occasion of quarrel; taking offence at every thing, and at nothing; fostering any little failing of temper in the child till it ripen into disobedience, and furnish the pretext for inflicting the wished-for punishment; alternately too indulgent and too severe; by fits and by caprice harsh and gentle; now flinging to it some plaything, and the instant the child uses it flying into a fury, and snatching it away, and giving vent to anger by punishment or by restraint; now visiting on the offspring the faults of her own mismanagement; and never for an instant pursuing a steady, or a just, or a rational treatment. These things I have witnessed, as who has not? But never have I known an example of contrast so marked, so violent, so outrageous, as between the parental care of Ireland and the stepmother treatment of Canada.

The act of unprecedented oppression which Lord Durham is commissioned to execute is, I find, explained and illustrated by the publication of the instructions under which he is to be sent out, and when I survey this strange document, I am sure I find it difficult to say whether the tenor of it or the production of it is the more unaccountable. I question if so extraordinary a proceeding, altogether, has ever yet been witnessed, as the publication of this paper. The Ministers have made public in January the orders which they intend to have executed in next May. It is one of the great difficulties attending an extended empire that the orders issued for the government of its distant provinces can hardly ever be executed in the same circumstances in which they are framed, because a considerable time must needs elapse between their being despatched and enforced. But is that a reason for unnecessarily incurring the unavoidable difficulty—by sitting down—did mortal man ever before dream of such a thing—by sitting down at the Colonial Office in January, and drawing up the orders, in all their detail, which are to be obeyed by the emissary in May or June—when that emissary is not to leave the country before the month of April? How can my Noble Friend know that he will be of the same mind in April, when Lord Durham is to set sail on his hopeful mission of conciliatory coercion? The measure out of which these resolutions have arisen, has already been changed three or four times over in as many days, if report speaks true. First, the Ministers wavered a little; then they affected to have made up their minds; and, having done so, they no sooner declared that nothing should move them from their fixed purpose, than they suddenly departed from it altogether, and adopted a totally different course, at the dictation of the Opposition in the Commons. Hesitation, uncertainty, wavering, delay, mark the whole course of their proceedings. It extends to the Noble Person who is to execute these projects in Canada. My Noble Friend is not to set out on his progress towards the spot where disaffection is abroad, and insurrection has broken out, until the weather is fine. While every week is of incalculable importance, April is the time coolly appointed for his sailing, and it may be later. This extreme deliberation should seem to indicate no great apprehension that the colony is in such a state as affords any justification of a measure like the one propounded for its coercion. The Noble Earl (Aberdeen) has mistaken what I formerly said of my Noble Friend's powers. I never pronounced it as a clear matter that he should, at all events, be erdered to grant, instantly, an Elective Council. But I did maintain, that unless he goes armed with a power of this extent, to be used as he shall see fit, his going is a mockery both of himself and of the Canadians; and that neither he nor this country can reap honour from his mission. But no power of this kind, or, indeed, of any kind, is to be given him. These instructions are, from the beginning to the end, inquiry, and nothing else. They set out with stating, that it may probably be found necessary to adopt some legislative measures of a comprehensive nature for effecting a permanent settlement of the Canadian question — but what these measures are likely to be, there is no intimation given; indeed, the plain implication is, they have not yet been discovered; and the instructions proceed to describe how the information is to be procured on which they may be framed. The committee or convention is to be formed, and then my Noble Friend is to bring before it various subjects, on which he is to ask for their opinion and advice. The first is the matter in dispute between the Upper and Lower provinces. The next subject of deliberation, it is said, will be furnished by the Act of 1791, with a view to examining how its defects may be corrected. Then follow some other heads of inquiry in their order — the mode of defraying the expenses of the civil government, the state of the law affecting landed property, the establishment of a court for trying impeachments and appeals. On all these several subjects the new Governor is to inquire, and what then? To determine — to act — to do anything that had not been done by his predecessors? No such thing; but to report to the Government at home exactly as they did before him. Why, have they not had reports enough? Had they not the committee of 1828, with its ample investigation and voluminous Reports? Had they not the committee of 1834, with such a production of papers from the Colonial Office as never before was made to any such tribunal, and a Report in proportion, full to overflowing? The labours of these two committees, sending for all persons, examining all papers, searching into all records, were not deemed sufficient to slake our boundless thirst for knowledge, and a commission was despatched to inquire on the spot. They hastened thither, and inquired for years, examined all subjects, differed upon them all, recorded their disputations in long arguments and elaborate protests, remitted the volume that contained the produce of their labours and their wranglings, and put their employers in possession of a whole body of controversy and of decisions, each commissioner generally differing from his colleagues in the views he took of the argument, and frequently also from himself, but all agreeing in the conclusions at which they arrived, by the course of reasoning one way, and deciding another. Will not this satisfy us, — insatiable that we are? Can we hope for more argumentation and more discrepancy from one inquiring man than from three? I defy any one, be he armed with powers ever so dictatorial — let him engross in his own person all the powers of his station, and be his own Master of the Horse into the bargain, to surpass the celebrated inquiry and report of Lord Gosford and his learned and Gallant coadjutors. I had vainly imagined that all the inquiry of the last three years might have been enough to satisfy the greatest appetite for delay and inaction, but I find I was deceived; we are still to falter and pause; the hour for action recedes as we advance, and the mighty measure of abrogating all law and creating a dictator, ends in sending out one Lord to renew the inquiries which had been making for three years under another.

I have uniformly stated my conviction that it is the duty of the Government here at length to make up their minds and pursue some intelligible and consistent course towards the colony; above all, that sending Lord Durham thither without the only power which can ever be of the least use towards attaining the object we have in view, is a mere pretence for new delays. The alarm expressed at that power by the Noble Earl (Aberdeen) is to me incomprehensible. An Elective Council, he says, means the severance of the colony. I have always held this to be a benefit, and no loss, provided it can be effected in peace, and leave only feelings of kindness on either side. But I deny that the giving an Elective Council can possibly produce such a consequence. Men commit a great and palpable mistake when, arguing from the analogy of the Parliament of England, they transfer to Canada the ideas connected with our Upper House. In the colony there is no aristocracy, nor anything like an aristocracy; consequently, the materials of an Upper House are there wholly wanting. But a yet more remarkable difference arises from the relation of colonial dependency. Why is this House in which we sit necessary for our limited monarchy? It is because the Crown would, without its interposition, come into conflict with the people, represented in the Commons. The Monarch has no revenues but what he derives from the votes of that Lower House; if, then, he were to exercise his veto upon Bills, all supplies would be stopped; and the Monarchy could not survive the shock were it often repeated, were not its violence mitigated by this Upper House being interposed between the other two branches. This House, by the influence which the Crown has in it, by its natural leaning towards the Court, and by its aversion to the extremes of popular opinion, relieves the Sovereign from the perilous office of refusing the measures sometimes pressed upon both by the representatives of the people. But the state of things in a colony is essentially different. There the Executive Government is not altogether dependent upon the supplies voted by the Commons —there the Commons have no more absolute power over the rest of the Government than they would have here, if Hanover, or some other dependency of the Crown yielded a revenue of 20,000,000*l.* a-year, which could defray such expenses as the Parliament might refuse to authorise. Consequently, in the colony, the Governor has no difficulty in rejecting Bills, and exposes the constitution to no shock by the exercise of his veto. He wants no Upper House to do for him what he can safely do himself, and to deaden the concussion occasioned by a collision between him and the Commons. Were the Colonial Council, then, elective, there would none of the effects ensue which must follow from making this House a representative of the people like the other. Were we chosen and sent here by the same body that elects the Commons, any one must see that the only consequence would be, our having a House of Commons divided into two sections instead of one, sitting in two rooms, and passing Bills through nine or ten stages instead of four or five; the Government would be wholly changed, and a pure democracy substituted in its stead. In the colony, the reform of the council or its total abolition, would not alter, one jot, the nature of the government, or impede its working for an hour. The Commons might refuse supplies because the Governor rejected Bills; each party would for awhile stand out against the other; in the end, a middle course would be resorted to, each party giving up a little, and gaining the rest; and the supplies of the mother country adminstered by her Parliament would be forthcoming, whenever the sense of the Government and people of England went along with the colonial Executive, to overcome any very unreasonable and pertinacious resistance of the House respecting the colonial people. Unable, then, to discover the least danger from the change so much desired by all the Canadians, I deeply lament the short-sighted and inefficient policy of sending out a new emissary without the power of granting it, or even of entertaining the question; and I remain decidedly of opinion that, whether we regard his own credit and honour, or the interests of the country and the colony, he had far better not go there all, than proceed with mutilated powers upon an hopeless errand.

The colonial experience, my Lords, of the Spanish monarchy, fertile as it is in lessons of wisdom upon all subjects, is singularly so upon a question of this kind. There once broke out, as you are aware, a revolt so formidable and so extensive, involving the whole of the most valuable of the settlements of Spain, that it is still known, at the distance of three centuries, as the Great Rebellion. I allude, of course, to the revolt of the Pizarros in Peru, compared with which, were the war in Canada to rage with tenfold fury, it would be a mere nothing for danger and difficulty. The events of that famous passage have been recorded by the illustrious historian, my revered kinsman, in that spirit of deep reflection for which he was renowned, and with a charm of style hardly exceeded by his celebrated narrative of Columbus's voyage, which it is difficult to read with a dry eye. The rebels had been eminently successful on all points; the revolt had raged for above a year, and had wrapt all Peru in the flames of civil war. At the head of his hardy and adventurous veterans, Pizarro had met the Spanish troops, and overthrown them in many pitched battles. The Viceroy had himself been defeated, taken, and put to death; the seat of government was in the hands of the insurgents; and a combined system of revolt had been universally established, to the extinction of all lawful authority. In such an extremity, the Emperor Charles, a prince of vast experience, of practised wisdom in the councils both of peace and war; a ruler, whose vigour never suffered him to falter; saw that there remained but one course to pursue. He resolved to send out a person with ample powers of negotiation and of command; and his choice fell upon Pedro de la Gasca, who had, though in no higher station than Councillor of the Inquisition, distinguished himself by his ability and success in several delicate negotiations. He was recommended to the office by an enlarged capacity, hardly to be surpassed; an insinuating address; manners singularly courteous to all; a temper the most conciliatory and bland; above all, a rare disinterestedness and self-denial in whatever concerned himself, and a singular devotion to his public duties. Of this he early gave an unequivocal indication, in peremptorily refusing the offer of higher rank in the Church, which the Emperor pressed upon him, with the purpose of increasing his weight and influence in the arduous service entrusted to his hands. "But," says the historian, "while he discovered such disinterested moderation in all that related personally to himself, he demanded his official powers in a very different tone. He insisted, as he was to be employed in a country so remote from the seat of Government, where he could not have recourse to his Sovereign for new instructions on any emergency, and as the whole success of his negotiations must depend upon the confidence which the people with whom he had to treat could place in the extent of his power, that he ought to be invested with unlimited authority; that his jurisdiction must reach to all persons, and to all causes; that he must be empowered to pardon, to punish, to reward, as circumstances might require; that, in case of resistance from the malcontents, he might be authorised to reduce them by force of arms, to levy troops for that purpose, and to call for assistance from the Governments of all the Spanish settlements in America." Powers like these seemed, to the men of mere precedent in the Colonial Office of Madrid, impossible to be granted to any subject; they were the inalienable attributes of the prerogative, according to these official authorities. "But the Emperor's views," says the historian, "were more enlarged. As, from the nature of his employment, Gasca must be intrusted with discretionary power in some points, and all his efforts might prove ineffectual if he was circumscribed in any one particular [as, for example, the granting of an elective council], Charles scrupled not to invest him with authority to the full extent of his demand. Highly satisfied (he adds) with this fresh proof of his master's confidence, Gasca hastened his departure, and, without either money or troops, set out to quell a formidable rebellion." The result is well known; and it was conformable to the vigour and the wisdom that presided over these preparations. Gasca arrived in Peru without any suite, or any pomp whatever; he put in action the resources of his genius for negotiation; dividing his adversaries by the justice of his proceedings, winning over many of all parties by the engaging suavity and mingled dignity of his manners, never making any sacrifice to temper or to selfishness of his arduous and important duty, but gaining everywhere friends to his mission, while he hardly left an enemy to his person. His bold and uncourtly antagonist perceived that he was undone, if further time were given for the practice of diplomatic arts, alike strange to his nature and his habits. He rushed to the field, his proper element, and to those arms which were the only arts he knew. To his dismay, he found that he had to cope with one whose universal genius for affairs fitted him for following up in action the councils of his provident sagacity. Gasca suddenly disclosed the result of the preparations which he had been making, while occupied in negotiating with the leaders of the revolt, and reclaiming the victims of their artifices. He equipped a fleet, met the cruisers of Pizarro, and captured them everywhere. He took the field against the veteran conquerors of the New World; he met their chief, overthrew him in a pitched battle, made him prisoner, put him to death, with his principal accomplices, restored peace and order to the whole province, and gave back to the Spanish Crown, rather than kept in it, the brightest of its jewels. To complete the glory of this great man, already so brilliant both in council and in arms, there wanted but one crowning passage, which should bestow upon him a yet higher fame, by showing the genius that inspired his conduct, eclipsed by the virtue that governed it. Nor was this proof wanting. Master, by the fortune of the war, and by his unlimited powers, of the whole forfeitures of the rebellion, he distributed a far greater mass of wealth, in money, and mines, and land, and palaces, than was ever by any absolute potentate bestowed upon his followers or his favourites; and reserving not the fraction of a farthing for himself or his connections, he retired to Europe and rendered up his trust, leaving to his grateful Sovereign the payment of the few debts which he had contracted, and which his poverty disabled him from discharging. His reception by his country and his prince was all that might be expected from public gratitude for unparalleled services, and from unbounded admiration of the highest and most various capacity. But he retired into the privacy of his former life, and passed, (says Robertson) "the remainder of his days in the tranquillity of seclusion, respected by his country, honoured by his Sovereign, and beloved by all."

Having, my Lords, called your attention to the lessons which this memorable passage of colonial history presents to the Government, as peculiarly applicable to the circumstances of the existing crisis, I will not any longer stop to dwell upon a picture which, I fear, offers to the eye only sad contrasts in all its material features, between the capacity and the vigour of former and of present times. And here, too, I willingly retire from the contemplation of the whole subject,—painful to view in every respect—lamentable in some of its parts—disgraceful in others. My closing words, my parting advice, are to retrace your steps, and do justice. Let the Government make the restoration of kindly feeling the main object of all their endeavours. To compass this, let them go all lengths, and out of their way, in negotiating with the disaffected, and in ruling the province. Let them largely mingle mercy in the administration of its affairs. Above all, never let them listen to those who would persuade them, like the Noble Earl (Aberdeen), that what might have been rightly granted at one time, it is dishonourable to give now that the supplicant has flown to arms, and become a rebel. If those concessions were wrong before, so are they wrong still, and I call upon you firmly to refuse them; but if it ever would have been just and politic to yield them, be you well assured that nothing has happened to make it less wise, and less right now, and the fame of England never will be tarnished by doing her duty. Make that your rule and your guide, and you may laugh to scorn the empty babblers who would upbraid you with the weakness of yielding to armed petitioners; you will show them that the concession is not made to the force of arms, but to the irresistible power of justice and of right. I devoutly pray that the end of all may be contentment and peace;—that contentment and that peace, without which outstretched empire is but extended weakness;—which if you shall not restore, all your victories in the council, in the Legislature, in the field, will be won in vain;—which, if you do restore, you may defy the world in arms, and despise its slanders as well as its threats.

VISCOUNT MELBOURNE.—I thank the Noble and Learned Lord for the exhortation and admonition with which he concluded his speech. I can only say that I entirely adopt the tone, I perfectly concur in the spirit, I agree in the justice and the wisdom, of that admonition; and I am quite prepared to state that, by the principles which the Noble and Learned Lord has so ably, and powerfully, and eloquently impressed on your Lordships, her Majesty's Ministers, in the difficult course in which they are engaged, will be entirely guided. For that part of the Noble and Learned Lord's speech respecting harmony and conciliation, and attention to the dictates of justice tempered with mercy, the only pure and enlarged policy, I am extremely obliged. Those portions of the Noble and Learned Lord's speech which were of a different nature, which were so severe and sarcastic in their tone, your Lordships will readily excuse me from troubling you with any lengthened reply to. I have long expected the outburst. I all along knew it must come,—that the spirit of bitterness, the acerbity of feeling which took its birth in the Noble and Learned Lord's mind, in the beginning of 1833, and which has been gathering strength and bitterness from long and forcible suppression, must break out at last. This is nothing more than I have long expected,—than is natural,—for most people are blind in respect of themselves, and it is impossible to perceive, in their own case, that which is clear and manifest to all the rest of mankind, and which is approved and assented to by the general opinion of all those who consider the subject. I thank the Noble and Learned Lord for his active support in 1835, for his absence from the House in 1836, for his less active support in 1837; and I feel no irritation at the very different tone which the Noble and Learned Lord's regard for the public service, his zeal for the public welfare, his great patriotism, and his anxious desire for the people's wellbeing, has reluctantly compelled him to adopt in the present Session. The topics which have been introduced in the present debate are much the same as those made use of on a former occasion. The charges which have been brought against the Government are much of the same character as those which have been urged before. The principal of these charges are, great delay, vacillation, fluctuation of opinion, a deficiency of firmness, and not acting on a well-considered and well-determined line of policy. But what is the gist of the accusation and condemnation of Government? What is the specific error? — that is the step which ought to have been taken, and which has not been taken. What is the evil proved to have arisen from the delay? What is the measure which ought to have been adopted, and which has been omitted? The Noble and Learned Lord says, the object of the commission which has been appointed was delay, — that no further information was required, — that the information obtained in 1828 was sufficient. I do not concur in this view of the subject; on the contrary, the most plausible argument against the measure seems to be, that even now we have not sufficient information respecting the colony. Suppose that Lord Amherst had gone out with his instructions, generally of a conciliatory nature, and directed to stand firm by the Legislative Council, what would have been the result? The Canadians would still have insisted on an Elective Council; every one knows that they would, and the effect would only have been, to bring on, at an earlier period, the same state of things which has occurred now. There is no reasonable supposition, that the House of Assembly would ever have voted the supplies without, not merely an Elective Council, but a responsibility to themselves on the part of the Executive Government. I will not now enter into any discussion on the question of an Elective Council; I do not know whether or not some mode of election might not be devised, compatible with the monarchy of this country; but of this I am sure, that the responsibility of the Governor to the Assembly amounts to independence at once; and this demand is unquestionably made by the House of Assembly, to be refused them only on peril of their putting into direct use the means which Parliament has placed in their hands. These things must be judged by the manner in which they are employed.

The Noble and Learned Lord has described Parliament as having given to the Canadians the power of refusing the supplies, only in the intention that they shall not exercise it, for that the moment they do exercise it, it is taken away, and their constitution suspended. But this is a question of manner and degree. If the House of Assembly make use of this power, for the purpose of stopping the whole course of Government, of shutting up the courts of law, it becomes evident that steps must be taken to restore the Government to a situation in which it can work. When there are three powers in the constitution, and one of them is pushed to an extremity, either the other two must yield to the third, or some change and alteration must take place in the distribution of them. The demand of the House of Assembly involves a decided change in the whole form of the constitution; and because it has not been acceded to, they have stopped the whole course of legislation. What then remains for the Supreme Government to do, except to make a great alteration in the state of things, or at least to suspend the constitution, in order to see what changes may advantageously be made? The constitution has practically been suspended by the Canadians themselves. The Legislative Council refuse the Bills sent up by the House of Assembly; the House of Assembly refuse supplies; the heart and brain have ceased to act together; it is impossible that things can go on in such a state, and the best step to be taken appears to be, that of suspending, for a short time, the constitution of 1791, and of giving the proposed powers to the Nobleman who has been selected by Ministers to proceed to Canada — a Nobleman of very great ability, though as it may seem, hardly equal to the eminent ecclesiastic, of whom Dr. Robertson has given so lively, so extravagant, so romantic a portrait.

LORD BROUGHAM. — Dr. Robertson is one of the most accurate of historians.

VISCOUNT MELBOURNE. — The

next matter to which the Noble and Learned Lord adverted, is the delay which has taken place in the nomination of the new Legislature and Executive Councils. I certainly must confess that I wish the nomination had taken place before the last week in December, but there was great difficulty experienced in reference to the selection of members; and there were other circumstances which, in the present state of affairs in the colony, it may be improper to particularise, that, to a certain degree, account for the delay; but there was nothing in these circumstances to justify the Assembly in the violent and obstinate conduct they have pursued. With respect to the resolutions — I believe they passed your Lordships' House with as much rapidity as possible. There were many matters of great importance, and very exciting in their nature, in agitation at the time. As to the other House, it is well known that, at the present period, Honourable Members are not very willing to bate an inch of their right of precedence,— to give way with any motion; every one appearing as anxious to deliver himself of his speech, as if it were a matter of life and death to his constituents; and, consequently, the march of public business is not quite so regular or smooth for the Government, there, as it was in former times, when there was not so much emulation or strong feeling among the Members of the House as at present. But I believe that, consistently with the state of public business, those resolutions proceeded with as much expedition as possible. The idea which the Noble and Learned Lord seemed to express, that it would be more constitutional to pay the money in this country, than to take it out of the chest of the Canadians, is in no degree adopted by the inhabitants of the provinces, or those who are best informed on Canadian affairs,— who all consider such a course to be one, as much superseding the House of Assembly, as the other course; as being equally inconsistent with the form and spirit and right working of a free constitution. As to the forces in Canada, the real fact of the case is, the military forces there were not reinforced, because the Government believed, from the representations which were made, both from the civil and military authorities there, and from other quarters, that there was no danger of an outbreak during the winter. This has turned out to be not the case — to be an error in judgment; and certainly after what has taken place, I greatly wish that additional troops had been sent out, though I do not believe that even this would have prevented the outbreak, for it was an unpremeditated one. I apprehend the state of the case to be this: — as far as can be collected, from what is known of the subject (the information on which is by no means even yet complete), M. Papineau, finding himself playing a difficult and dangerous game, said to the people, "Do not resist now, but be prepared for resistance; arm yourselves, and be ready to assemble together at one point when I call upon you, but do not rise till you are desired." Now, this will not do — it will not do to tell people to arm themselves, to prepare for resistance, to inflame their minds with representations of their wrongs and injuries, and, at the same time, suppose that they are to be held in like greyhounds in a leash, to be slipped only at pleasure. The real fact is, that when the organisation of the disaffected was discovered, and persons were apprehended in consequence, this produced the resistance —the outbreak; and whatever had been the number of the troops in the province at the time, I fully believe that the outbreak would still have taken place. It is, however, impossible to deny that if there had been a larger force there, Sir J. Colborne could not have been justified in sending for more troops, or in draughting off those in the Upper province. But Government proceeded on the calculation that there would be no insurrection in the winter. Some observations have been made in reference to the change which has elsewhere been made in the preamble of the Bill. I am well aware that the course which has been pursued in framing that preamble is novel, and without precedent; but the circumstance of its being without precedent, by no means necessarily denotes its being erroneous; to show this, it must be proved to be absurd and unwise. In framing that preamble and the instructions which have been adverted to, we were guided by that spirit which has breathed throughout the speech of the Noble and Learned Lord. We were anxious that there should stand, as the basis of the measure, a distinct statement, that though we were establishing an arbitrary power in Canada — an arbitrary power, let it be observed, not a despotism — (for what I understand by despotism, is irresponsible power, a description which cannot be applied to that with which the Noble Earl (the Earl of Durham) is intrusted);—we were anxious, I repeat, to state in the front and face of the measure, to the people of Canada, of England, of the whole world, that what we were doing was only for a temporary purpose; to exhibit our anxiety to return to constitutional forms of government at the earliest possible period; and though I believe it unusual to refer to instructions given by the Crown, in preambles to Acts of Parliament,—yet the magnitude of the occasion, and the necessity there was of giving this public notice, will justify it, and will show the full concurrence between the Legislative and Executive powers on the subject; and prove the manner in which the one was disposed to combine and co-operate with the other. The Noble and Learned Lord has made some very severe observations on the despatches from Upper Canada, of Sir Francis Head, and unquestionably these may be considered as not altogether free from a certain over-chivalrous tone, not altogether unmixed with imprudence, and as exhibiting a mode of proceeding somewhat hazardous in its character; because it appears from Sir Francis Head's own statement, that it was only owing to accident, and to a little hesitation and want of resolution on the part of those by whom he was assailed, that he did not suffer very severely from his over confidence.

I quite agree with the Noble and Learned Lord that, if we are to judge entirely from the expressions used by Sir F. Head himself, it can hardly be denied that that officer would have given encouragement to those crimes which, it has been stated, might, by a different line of proceeding, have been prevented. But it must be considered, that these expressions were cast in the epigrammatic pointed style which Sir F. Head is known to admire, and which may lead persons to see in them a wider statement of what has been done, and what dangers have been incurred, than is meant to be conveyed. In considering the question of the propriety of delay in interfering in what was going on, it must be remembered that, in the present times, a preventive or precautionary policy is not very popular; that a man runs great risks in pursuing it; that, until an insurrection actually breaks out, there are very few persons who will admit that there has been an intention that it should break out. Had such strong measures been taken as to prevent the outbreak, and the parties in question had not actually joined themselves to the insurgents, it would have been asserted, on all sides, that there never was the slightest intention of insurrection; that nothing was ever proposed to be done but by the most constitutional means; and, therefore, though undoubtedly I cannot praise the prudence of Sir F. Head's conduct, on his own showing, yet, in all probability, if that officer had interfered too early, he would have run the risk of a charge of having interfered without any reason whatever. What has been done in Upper Canada is undoubtedly a great evil and misfortune, and that evil and misfortune (as has been so ably and so eloquently stated by the Noble and Learned Lord) have unquestionably led to those scenes and events which have taken place on the frontiers of the province, and which are, in fact, not an insurrection of the Upper Canadians, but an invasion on the part of certain wild and lawless inhabitants of the United States. The persons who have occupied Navy Island are mostly North Americans, and the person who describes himself as their general is a native-born American. At the same time, it is most gratifying to me to have it in my power to state, that all these proceedings have been entirely disapproved of and discountenanced by the Government of the United States; that our minister at Washington has received a most complete disclaimer of these proceedings on the part of the Government there, and the most satisfactory assurances that all the powers of the central Government will be exerted for the purpose of putting an end to the insurrection, and preserving the neutrality of the United States in a contest which is deeply lamented. Further, a message has been sent to Congress for additional powers for this purpose, and a proclamation has been made by the President, exhorting the citizens of the United States to abstain from interfering in the contest. Though I look with as much anxiety and solicitude as the Noble and Learned Lord to this subject, yet that anxiety and solicitude are much diminished by these assurances of good faith, prudence, and wisdom on the part of the North American Government. Notwithstanding the severity of the observations of my Noble Friend opposite, — notwithstanding the acerbity and bitterness of the Noble and Learned Lord on my right hand, yet it is a great matter of consolation that, as to the Bill itself which is now placed before your Lordships for your consideration, there is no difference of opinion: and I will only assure your Lordships that, as far as the Government of this country are concerned, and as far as the Noble Earl who is to be entrusted with the execution of this Bill is concerned, there is the utmost anxiety to heal the wounds now open,—to produce a return of good feeling and affection between this country and Canada, — and to do everything to promote the happiness and prosperity of that province.

LORD BROUGHAM. — I purposely abstain, on this occasion, from going further into the personal remarks of the Noble Viscount, because I will not thus interrupt the discussion of a great public question. But when he compares and contrasts my conduct towards the Government this Session, with that which I formerly held, he utterly and notoriously forgets the whole of the facts. Has he forgotten, — can he have forgotten, that last May I both urged the same charges, and recorded them on your Journals? I even pursued the self-same course of argument which has, I observe, to-night given him so great offence. He speaks of "acerbity." A person supposed to have used bitter remarks, is, perhaps, not a judge of the comparative "acerbity" of his different observations; nor is that person, possibly, against whom they have been employed. But I venture to say, that of all I said this night, the portion which he felt the most bitter, and to which, be it observed in passing, he made not the least allusion, was my comparison of his conduct towards unrepresented Canada, and well-represented Ireland. Well, last May I drew the very same comparison, and nearly in the same terms, — made the same quotations from the Ministerial speeches in the Commons, —and recorded the substance of the comparison in my protest. My Lords, I indignantly and peremptorily deny that the motive or principle of my conduct is changed. But I know that the changed conduct of others has compelled me to oppose them, in order that I may not change my own principles. Do the Ministers desire to know what will restore me to their support, and make me once more fight zealously in their ranks, as I once fought with them against the majority of your Lordships? I will tell them at once. Let them retract their declaration against reform, delivered the first night of this Session, and their second declaration, — by which (to use the Noble Viscount's phrase) they *exacerbated* the first; or let them, without any retractation, only bring forward liberal and constitutional measures, they will have no more zealous supporter than myself. But, in the mean time, I now hurl my defiance at his head,—I repeat it,—I hurl at his head this defiance, — I defy him to point out any, the slightest, indication of any one part of my public conduct having, even for one instant, been affected, in any manner of way, by feelings of a private and personal nature, or been regulated by any one consideration except the sense of what I owe to my own principles, and to the interests of the country!

The DUKE of WELLINGTON. — My Lords, it is my wish to avoid as much as possible any reference to what has passed heretofore; and I will only refer to that part of my Noble Friend's speech which related to the mission of Lord Amherst. I concur with my Noble Friend in thinking, that if Lord Amherst's mission had been allowed to go on, — or if a similar mission had been sent out under the auspices of another person, and under another Government, to carry into execution those measures, in 1835, which were only inquired into in 1835 and 1836, and which were not, in fact, in a state to be carried into execution until 1837,—that there was, at least, a chance that these measures and arrangements would have had some success in preventing what has happened. The Noble Viscount has stated, that the election of a Legislative Council, and the election of an Executive Council would still have been insisted on; and I admit, that if these objects had been insisted on by the Legislative Assembly of Canada, they must have been resisted by this country; but, at all events, there was a chance, and I must say (and in this I concur with the Noble and Learned Lord and the Noble Baron who began the debate), that the inquiry of the last commissioners — considering what had passed before — was, to say the least of it, utterly useless. The measure now under discussion is applicable, solely, to Lower Canada; and I must observe, on what has been stated by the Noble and Learned Lord in respect to the necessity of defining the degree to which such a province as Upper or Lower Canada might offend before such a measure should be adopted, that there is a clear distinction to be drawn between the cases of Upper and of Lower Canada. It is true that rebellion has broken out in both; but it must be observed, that the Legislature of Upper Canada had not refused to provide the means of administering the civil government — the Legislature of Upper Canada had not refused to supply the means of administering justice; they have not insisted on a revolution of government, and on rendering the Legislative Council elective — they have not insisted on rendering the Executive Council elective, and responsible to their Legislative Council — and they have not refused the supplies to her Majesty's Government, in order to force upon them the adoption of those measures. At the same time, I must observe, that those measures were not thought of by the Assembly of Lower Canada until after the Act of 1831 placed the money at their disposal — they never thought of an elective Legislative Council or of an elective Executive Council until the Act passed which left the money to defray the expense of the civil government at their disposal; and then they made their demands, and told us, that unless we destroyed the constitution under which we claimed to hold those provinces, namely, the Act of 1791, — that unless we repealed a great portion of that Act, and gave them possession, not only of the money, but of the government, by means of an elective Executive Council, to be responsible to the Legislative Assembly of Lower Canada,— they would not give us the power of carrying on the civil government, and of administering justice to the Queen's subjects in Canada.

My Lords, this conduct of the House of Assembly in the Lower province makes the great distinction between them and Upper Canada. But this is not all. A great number of the Members of the Legislative Assembly, and even some of the Legislative Council of Lower Canada, were concerned in this rebellion; some of them were leaders; some have been killed, others made prisoners, and others escaped to the United States, and now stand proclaimed as rebels and traitors, having fled thither from justice; and these facts constitute another distinction between the cases of Upper and Lower Canada. There may be one or two persons placed in such circumstances and in relation to the rebellion in Upper Canada; but for every one in that province, there are, at least, thirty, forty, or fifty such in Lower Canada. Under these circumstances there is a strong distinction between the two provinces; and therefore this Bill has, in my opinion, with justice and propriety, been made applicable only to Lower Canada, and not to Upper Canada. The Noble and Learned Lord has adverted to the complaints made of the conduct of the Assembly of Lower Canada in using their privileges,—and to which the Noble and Learned Lord alluded in strong terms, — the privilege of refusing the supplies. He has said, that they were told, "You shall have certain privileges — you shall have the money at your disposal — you shall have the power of refusing money — but you shall forfeit your constitution if you endeavour to enforce your privileges. I am the last person who ought to feel himself under the necessity of answering that argument, or of qualifying the use of it. I opposed, and protested against, the Act of 1831. It was stated at the time, and has been repeated since; and there is every reason to believe, from the assurances of persons who prevailed upon the Government to pass that measure, and of those who were examined before the committee in 1828,— that if that measure of 1831 passed into law, measures would be adopted to ensure the Crown a competent Civil List, and ample supplies for carrying on the civil government and for the administration of justice in the colony. Having made this engagement, the Legislature of Lower Canada, nevertheless, turned round, and called upon us to destroy the constitution which had been given in 1791. We are told that we have forfeited all claim to payment of a civil government, and of the administration of justice in the province, and that the refusal of the demands of such province is a justifiable exercise of constitutional privilege. I cannot consider it the privilege of any men to destroy the foundations of the society which they are deputed to govern. There is, evidently, a clear distinction between Upper and Lower Canada; and I think there was no ground whatever for any definition (such as has been maintained by the Noble and Learned Lord) of the amount of offence in any province before they shall lose their constitution. It is quite clear that it is impossible to call together the Legislative Assembly of Lower Canada to carry into execution any measures which it may be expedient, hereafter, for the Government to propose with respect to that province. In order to carry into execution the provisions of the present Bill, and in order that an investigation may be instituted with regard to the measures which it may be necessary to adopt as the basis of the future government of Canada, her Majesty's Ministers have selected a nobleman who is to proceed to that country with certain instructions. Your Lordships have before you a paper containing those instructions, and though it is not my intention to advert to them at any length, yet I must be permitted, shortly, to notice the principle on which they are founded.

As I have before stated, the Bill exclusively refers to Lower Canada; but the instructions affect the government, not only of Lower Canada, but of Upper Canada also. In respect to Lower Canada, the Governor General is directed to summon, for the purpose of advising on measures for the government of the Lower province, not the Legislative Council of that province, but certain persons from the Upper province, some of whom are to be selected from the Legislative Assembly of Upper Canada. But this is not all. It is proposed, also, for the purpose of forming a new constitution for Lower Canada, that there shall be, not only this detachment from the Legislature of Upper Canada, but also a body, consisting of ten persons, selected by five districts in Lower Canada, who are to act with the Governor, both as a council of advice and as an executive council. So that it appears, that her Majesty's Government has been disputing for years, rightly and justly, in my opinion, on the claim made by the House of Assembly of Lower Canada for an elective Legislative Council; and, after all, the new Governor is to go out with instructions to form a council of persons elected in part by the Assembly of Upper Canada (which, as regards the Lower province, is to all intents and purposes a foreign nation); in part, by five districts in Lower Canada; and, in part, by the Governor. I certainly think the Noble Lord oppposite is justified in not including Upper Canada in the provisions of the Bill; but I should like to know what that province has done to induce the Noble Lords to deprive the Legislature of the Upper province of their power to legislate on the subject referred to in the instructions? Why is not the Legislature of Upper Canada to be allowed to express an opinion of the grievances affecting that province? Are all these matters to be settled by the new council of advice? Suppose the Assembly of the Upper province to refuse to nominate any members to the proposed Council. I should say, if these subjects are to be taken into the consideration of the Legislatures of the two provinces, let the Legislature of the Upper province legislàte on them when it next assembles; and, in the mean time, till the Legislature of the Lower province can be assembled, let the Noble Earl who is to go out as Governor General take them into consideration. But I would recommend that this description of convention should not be formed, for which there is no authority, and which, in point of fact, constitutes an usurpation on the part of the Government of this country on the rights of Upper Canada. It appears to me, that the proposition to which I advert has been made, as indeed the Noble Viscount opposite admits, with the view of inducing people to believe that there is to be something like a convention for the formation of a constitution in Lower Canada.

It is stated in the preamble of the Bill, clearly enough, that the suspension of the constitution is merely a temporary measure, and that a constitutional form of Government will be re-established as soon as circumstances will permit; consequently, there exists no necessity for the summoning of a convention such as I have described, which is absolutely inconsistent with the relative position of this country and its colonies, and with the principles on which the Legislatures of the two provinces were founded and have existed since 1791. Nothing is clearer than that the measure of 1791 was founded on the right of this country to give a constitution to those two provinces. That principle was admitted in discussion by all parties at the time, and I assert that that right has never been forfeited, and that it exists in the same force at the present moment as it did in 1791. I therefore again say that there is no necessity for calling together a convention in order to establish constitutional governments in these provinces. I am of opinion that the words originally in the preamble of the Bill, but which were struck out by the House of Commons, and the terms of the instructions to the Noble Earl who is to govern Canada, are calculated to throw a false light over the subject, and to mislead. Does any Noble Lord believe that the decisions of such a convention would give stability to a new constitution, or that the people would not get tired of a constitution proceeding from such a source, just as they would if it had not received the sanction of a convention? The Noble Viscount has disputed the correctness of the calculations which were made of the benefit likely to have resulted from Lord Amherst's mission to Canada in 1835. I think that there can be no doubt that that Noble Lord's mission would have been followed by more advantageous consequences than are likely to flow from the appointment of this convention. I repeat, that it will be a gross usurpation to attempt to act on the instructions as far as Upper Canada is concerned. I should be exceedingly sorry if the Noble Earl who is appointed to govern these provinces, and to effect an arrangement of the questions pending between Upper and Lower Canada should attempt,—or if Ministers should attempt,—to carry their measures into execution without being thoroughly informed of the opinions of the leading men in the Canadas, and as to the system of government which would tend most to promote the prosperity and happiness of the country. No one can be more anxious than I am that all these points should be ascertained as they ought to be by the fullest communication with all classes of men, though I object to any attempt to ascertain them by means of a convention, which I again assert is inconsistent with the practice of this country in its relations with its colonies.

I now come to a subject on which a good deal has been said by the Noble and Learned opposite — I mean, the question of making the Legislative Council in Lower Canada elective. In my opinion, the Noble and Learned Lord has not stated with accuracy the distinction in the relations between the executive and the legislative power of a colony,—and the executive power and the Houses of Parliament of this country. The Noble and Learned Lord seems to think that the governor of a colony can, without the smallest difficulty or inconvenience, refuse his assent to the Acts of the Legislature. With regard to the Canadas, Bills are occasionally passed referable to the relations with foreign states — to the relations between the two provinces of Upper and Lower Canada, and affecting questions of commercial interest, and of communications by means of the River St. Lawrence. These are Bills from which the Governor of Lower Canada might find it extremely inconvenient to withhold his sanction; and yet they might be vital to the interests of Upper Canada, and if passed into law, might tend to the greatest possible inconvenience. But there is a large British population in Lower Canada which requires a certain protection, and which protection they receive under existing circumstances only by means of the Legislative Council nominated by the Crown; for they have no influence in the popular elections of the provinces, and none in the Legislative Assembly. If the Legislative Council were to be constituted in a different manner — if they were to be elective,—the British population would be thrown under the dominion of the House of Assembly, which is returned by the French Canadians, and in both provinces the English population would consider themselves exceedingly aggrieved, and the Ministers of this country would find great difficulty in carrying on the government of those provinces. I earnestly entreat your Lordships to take all these matters into your consideration, and to form for both the provinces of Canada as good a government as can possibly be devised, — to form one on the principles of the British constitution — to secure, above all, the funds for the administration of the civil government and of justice,— and in every respect to render the administration of affairs as cheap as possible, consistently with the attainment of these objects, for by no other means can tranquillity or peace be secured to them.

I entirely agree with what has been stated by the Noble Viscount as to the military operations that have taken place. I believe, from what I have heard and read, that both the rebellions in Lower and Upper Canada were forced on prematurely, — the one nearly a month, and the other nineteen or twenty days before it was intended that they should break out. I have no doubt that that in the Upper province broke out nineteen or twenty days before the period fixed for the outbreak; and under the peculiar circumstances, and knowing what was about to be attempted, as a matter of prudence Sir Francis Head might as well have kept his troops in the Upper province, as have sent them away. With respect to another point which has been alluded to, I have already stated to the House that I have been informed by military officers of their opinion that there was no chance of an outbreak in Lower Canada. I have heard very lately, and I have reason to believe, that such was the opinion of the general officer commanding her Majesty's troops in Lower Canada up to the month of October last. But this is a political question, with respect to which I do not lay claim to have formed a judgment better claiming attention than any other individual. I place confidence in the judgment of those who informed me of the state of Canada; and I, before the rebellion took place, expressed an opinion that there was no chance of an insurrection breaking out in those provinces. At the same time, I must say that, previous to the 20th of November last, I heard that the commanding officer in Lower Canada had made arrangements which looked as if he expected that a rebellion would break out, and I was very much surprised to find that an Honourable Gentleman in another place, in the debate on the address, alluded to those arrangements, and asked her Majesty's Ministers how they meant to pass the winter? This clearly shows that there must have been a communication between this country and those in a state of disaffection in Lower Canada. The rebellion may, now, perhaps, be quelled; but I entreat Ministers not to suppose that their difficulties are entirely removed. I entreat them to proceed with their preparations, and to assemble in Canda, at the earliest possible period, the largest force the resources of this country will admit of. I repeat, that there can be for this country no such thing as a little war, and I beg the Noble Lord to observe, that since the 22d of December, the first day on which intelligence of the unfortunate transactions in Canada were received, not less than four important events have occurred, each of which is calculated to excite the deepest attention of the Government. There was a renewed discussion of the boundary of Maine; one of the boundary of the river Columbia; one relating to Hants; and one relating to Mexico. I know, from accounts to which the Noble Viscount has referred, that the President of the United States has desired additional powers, in order to prevent hostilities on the part of the citizens of those states against Upper Canada, and that he has sent an officer (General Scott) to the frontiers of Canada to examine the state of things on the American side, with the view to the more effectual prevention of the threatened hostilities. It has been seen that, within a very short space, points have been raised relating to the question of the boundary of the state of Maine and that of the river Columbia, to that of Texas, that of Mexico, besides other important subjects, and I have no doubt that, in proportion as the present difficulties in the Canadas are overcome or disappear, other questions will arise, which will require the must vigilant attention on the part of the Government of this country. The Government must, therefore, I repeat, not look upon this as a small affair. They should consider, and I entreat them to do so, that in proportion as they are strong in Canada, they will have the countenance and support of many in the United States, who will otherwise be against them, even though, in taking that course, they act against their consciences. Let us, then, I repeat, not think the present a small affair, or that hostilities may cease and the resistance to the Government be at an end. The affairs of Canada can never be brought to a satisfactory termination without the maintenance there, for a time, of such a force as I have described.

LORD BROUGHAM. — I wish to offer a word or two, in explanation, as to one part of the Noble Duke's (the Duke of Wellington's) speech. I think that nothing was more likely than that a man of the experience and skill of Sir John Colborne would take all measures of necessary precaution against any outbreak. But how can the Noble Duke jump to the conclusion, from that circumstance, that the disaffected, only, were acquainted with the exact time at which the outbreak was to take place? Why, the Noble Duke says that he himself heard of the likelihood of such a proceeding; and no one, surely, can think that the Noble Duke had any connection with the insurgents. I think he might have been a little more charitable in his construction of what has been said.

LORD WHARNCLIFFE. — I am anxious to say a few words, not only on the question before the House, but on the general subject with which it is connected. The Noble Viscount has a manner of speaking, which it is exceedingly difficult to meet with effect; for there is so much candour and good humour in his manner, and in the tone of his speech, that he almost disarms all opposition to his statements. The Noble Viscount's Government is, however, placed in a situation of great responsibility. They are, by their remissness, liable to the charge of having so managed matters, as to bring about the present unfortunate state of affairs in Canada; and they do not attempt, and indeed they cannot make any adequate answer to this accusation. The Noble Viscount says, "I defy you to put your hand on any part of our conduct which is culpable." I certainly think that not only this night, but on a former occasion, several Noble Lords have preferred great and heavy charges against the Government, fully deserving a well-considered, and well-reasoned defence. The Noble Viscount does not, however, appear to coincide in this opinion. I, though much less able for the task than those who have preceded me, shall endeavour to show that through the whole of these transactions, every step which has been taken by her Majesty's Government has been such as evidently to lead to the consequences which every one now laments, and that their conduct calls loudly for explanation. When the Government which preceded this of the Noble Viscount came into office, they commenced taking steps, not of inquiry merely. They proposed to send out a Noble person, who by the character and station he had before occupied, was well worthy of such a trust, and who was to be empowered to remedy all real grievances, and to act on his own opinion, resting on the responsibility of the Government under which he served. Previous to that, what was the state of Canada? There was not merely a refusal of supplies, but in February, 1834, ninety-two resolutions passed the House of Assembly; and I venture to say that, if anybody reads them with care, he will be convinced that an Elective Council, and an alteration in tenures, were not what they really desired; but that the object of the real and firm determination of those who agitated the Canadian people, and led the House of Assembly at that time, was the formation of a republic, and a connection with the United States. If any one reads attentively those resolutions, he will perceive that the whole spirit which pervades them is this: "What is good for your country is not good for ours: we are Americans; we have happy and free states on our frontier, and their institutions we desire to be introduced into Canada." Such appears to me, at least, to be the real object of the leaders of the Canadian people, namely, the establishment of a republican form of government, with a view to throw off the connection with this country, and to become a part of the United States. I agree that this country would do wrong in not making an effort to keep up the connection, and to maintain the constitution which we have given them, in analogy with our own. It is our duty to try and remove all the grievances, which are found really to exist; but at the same time, to tell these people with firmness and decision, "You ask for some measures, which you know must sever the connection between us, and which cannot, therefore, be conceded by the Imperial Parliament, and must, if necessary, be resisted with force."

In this state of things, what was the first fault committed by the present Government? They sent out a Commission of Inquiry, which was employed for two years; and the results were, Reports, which, although they contained a great deal of information, were, in point of fact, perfectly useless, owing to the difficulty of drawing any conclusion from them. With each Report there were always two protests; and the Noble Lord at the head of the Canadian Government seems, even then, not to have been able to make up his mind on any one subject. I think this commission was a great failure, and, on the part of the Government at home, a great fault. After the labours of the commission, on the 6th of March, 1837, the ten resolutions were proposed, of which we have heard so much. The Noble Viscount opposite says, that he cannot be blamed for the delay in the House of Commons on that occasion. Now, I must ask the Noble Viscount whether, with the power which the Government possessed — I do not mean any improper power — they were not able to exercise sufficient influence over that party which usually supports his Government, to prevent resolutions from being kept in abeyance, from the 6th of March to the 24th of April? We have heard, undoubtedly, of Houses not being made, and adjournments being moved; but can any one doubt that if her Majesty's Government wished to act with firmness, these circumstances could have prevented resolutions so important, and so likely to produce extraordinary events in Canada, from being hung up from the 6th of March to the 24th of April? Now, what defence does the Noble Viscount make for such conduct? "How," says he, "could we prevent other subjects from being pressed for determination? Gentlemen must make speeches and motions on questions which they consider of vital interest to their constituents." We all know that there is a great deal too much talking in that House of Commons; but there was no excuse for the Government which was pressed to action by the commissioners,— who told them the consequences which must, in all probability, arise from the delay in passing these resolutions, which could have been passed, not by a vote in each separate stage, as in the case of a Bill, but by a single vote of the committee. These resolutions, having passed the Commons on the 10th of May, were agreed to in your Lordships' House also, the only dissentient voice being my Noble and Learned Friend (Lord Brougham). Why had not the Government then their Bill ready to produce? They must have known the effects which must naturally result from such resolutions. One would think that time was spent here in creating causes for fresh agitation. Instead of the production of a measure, came a despatch from the Noble Lord opposite (Lord Glenelg), in which he stated it to be the intention of the Government to bring in a Bill. Surely they had time, from the 11th of May to the 10th of June, to pass a measure such as that which was said to be intended. But supposing that they had not, — that they had been the victims of a factious opposition, which had compelled them to hang up the Bill for a time, and that during this period the King died, — why, then it was their duty to the Queen, to whom they became servants, to insist upon not having a measure of this nature longer delayed.

It is said, however, by some, as a mode of explaining the conduct of the Government, that an event was then about to take place, which made it dangerous for the Government to produce a measure of this kind; and it is curious enough that one of the leading persons of the opposition to the course proposed, and in favour of the Canadians, was the candidate for the representation of the city of Westminster. We know very well what importance was attached to that election; what a line was taken by certain members of the Government, at a former election, to secure it;—and what steps were at the last election taken, and how the Queen's name was used in order to effect the object of the favourite candidate of the Government. If a Bill, of the nature which was required, had been brought into the House of Commons, and if the opposition to it had been so popular as it now seems to be, among a certain class of the constituency of Westminster, it would not have been so easy for the Government to have given their support to one of the present representatives for Westminster. I say, that not having passed that measure in time was one great cause of the outbreak in Canada; and this is one of the charges which is entitled to a serious answer from the Noble Lords opposite. It has been stated, too, that Lord Gosford was of the same opinion with Ministers as to troops not being wanted. It is perfectly true, that this was the case up to a certain time; but so early as July, he began to think that he had occasion for more troops; and having a power vested in him, by the Secretary of State, to send for them, he actually did send to Halifax for one regiment as a reinforcement. The moment her Majesty's Ministers heard that the Governor of Canada had changed his opinion, they ought to have taken that act of sending for troops as a sufficient warning, and should not have neglected, for a single instant, to supply troops, if not to the province itself, somewhere in the neighbourhood, to such an amount as would not only have quelled disturbance, but prevented any outbreak. A wise provision for the safety of the province, and the opinion of a military man, are two very different things. A military man may be persuaded, from his reliance on British valour, and from a habit of undervaluing the efforts of undisciplined numbers, that two or three regiments will put down an insurrection; but it is the duty of the Government, not only to garrison our colonies in such a manner as may be effectual for repressing rebellion, when actually raging, but so as to afford no temptation to revolt, and thus to protect the properties and lives of the inhabitants. To what, I will ask my Noble Friend (Lord Melbourne), do we now owe the possession of Canada? Why, the inhabitants of the Lower province—for of that only I now speak—by their loyalty and intrepidity, contributed, in an eminent degree, to the success of her Majesty's troops. Without their assistance the force would not have been able or sufficient to meet the dangers which opposed it; and, in order to afford that assistance, they have been put to great inconvenience, and exposed to dangers and difficulties which a sufficient military force in the province would have rendered unnecessary.

Let us now look to Upper Canada. We find that there were so few troops in the Lower province, that the Commander of the Forces was obliged to send for some to the Governor of the Upper province. The Governor, with a boldness, I may say with a rashness, which little became one placed at the head of that Government, consented to the application. And can any man doubt, who has read the despatches and accounts, that the rebellion in Upper Canada was occasioned by this step? It may be very well to depend on the loyalty of the inhabitants, and they have proved, and, I have no doubt, will prove, that they are able and willing to defend their country; but I again maintain, that it is the business of Government not to depend on that feeling alone. I confess that, whatever apprehension I have with regard to Lower Canada, I fear much more disastrous consequences from what has occurred in the Upper province. It is true that the loyalty and courage of the inhabitants have successfully induced them to defend themselves. But there are a great number of discontented spirits there; first, the settlers from the United States, who keep up a communication with that country, and whose views are always directed to a connection with it; and next, there are men who have gone from this country, with little character and no means, and who transfer to Canada the dangerous doctrines which they have imbibed at home. The United States have a long line of frontier in immediate connection with that province; in some parts they are separated from it only by a river; any outbreak in our colonies will receive encouragement, at least from some classes, in these states, and I greatly fear that the consequences of the present disturbances will be felt by us for many years to come. The Government at home seem to me to have been placed in an unfortunate position from its very formation. They seem always to have wanted the power to act alone, and are driven to measures, not such as they consider best for the country itself, but such as they think may conciliate the good humour of certain persons differing widely from themselves, without whose support, however, they cannot carry on their administration. So, upon this occasion, the Government find themselves in the condition, that they have to deal with colonies where rebellion has broken out, and they are conscious that strong measures must be resorted to; but they also feel that they must do something to satisfy a party, without whose assistance they know they cannot retain their seats. They, therefore, with that object, include in the preamble of their Bill a provision for calling a certain convention. They give way to the opposition offered by us to the preamble, and are forced entirely to alter it. Another sop to that portion of their supporters to whom I have alluded, is the appointment of the Earl of Durham. I have a great respect for that Noble Earl's character and talents; but that he is the most proper person to settle questions of this kind, I very much doubt; and, indeed, the only reason which I see for sending him is, that he is a man of rather ultra liberal opinions. He is a man under whose advice the Radicals have been accustomed to act; he goes much beyond the doctrines of the Noble Viscount and most of those who support his Government. Without meaning the slightest disrespect to the Noble Earl, I must say that, if the Noble Viscount conceives those notions which he entertains to be dangerous to the constitution of this country, the Noble Earl ought not to be the person selected to go to Canada at the present emergency. I must say that, if I were an inhabitant of Lower Canada, strongly attached to the British constitution, I should look with great suspicion on a person sent out to govern that country, who entertained the views which the Noble Earl professes. And if, on the contrary, I were a follower of M. Papineau, or belonged to his party, I should entertain strong hopes of finding in the Noble Earl what have been termed "squeezable materials." These are the points in respect of which we are not acting rightly in the affairs of Canada. With regard to the Bill, I wish some experiment had been made, short of the suspension of the constitution of the colony in the first instance. I must say, that I am not quite satisfied whether it would not be possible to do without that suspension,—at least, for so long a time as it is withheld by this Bill;—whether it would not be possible to call the Canadian Legislature again together at an earlier period. I think, if we had repealed the Bill of 1831, coupled with the passing of strong, vigorous, and decisive measures, and had, at that time, told the people of Canada that their demands for an elective council were inadmissible, and would be firmly resisted, that the present measure, to which I am compelled reluctantly to give my assent, would hardly have been necessary. I cannot help saying, that I wish rather that some other experiment had been tried. With respect to the principles on which the Noble Earl opposite (Earl of Durham) has declared that the government is to be conducted, I entirely concur. It is our business to redress grievances, to do justice to all parties, and so to work the Bill, as that, in process of time, and at an early period, a constitution may be produced fitted to the state of society in Canada, and suited to their wants and interests. I confess I do not expect a great deal from the mission of the Noble Earl. I hope, however, that it may prove successful, and that, in the execution of it, he will not forget the principles announced by him in this House, or lay aside the pledges he has given, which I am of opinion the great majority think dangerous, at all events, to the constitution of this country.

LORD GLENELG.—I beg to request your Lordships' attention for a very short time, while I make a few observations upon what has fallen from the Noble and Learned Lord who has just sat down. In the speech of that Noble Lord there is one circumstance which I regret very much. Notwithstanding that the debates on this question have been characterised by an almost total absence of all political allusions, and have been conducted in a manner and with a spirit superior to all party and political distinctions, the Noble Lord, I am sorry to say, has thought proper to mix up a great deal of party feeling and party observation in the speech which he has just made. He appears to think that the Noble Viscount has failed in offering a satisfactory answer to the charges which have been made against Government. He has passed a well-merited eulogium on the speech of the Noble Earl (the Earl of Aberdeen), on that of my Noble and Learned Friend (Lord Brougham), and on the powerful and conclusive address of the Noble Duke; but he has deprecated the speech of the Noble Viscount as inadequate and ineffective. By a consequence, however, not very easily foreseen, the Noble Lord thinks it necessary to support that side which he considers to be triumphant, and which it cannot be supposed he should have deemed it essential to espouse. I must own that I differ from the Noble Lord in his remark, that the

Noble Viscount has not adverted to the points on which he has been attacked. The Noble Lord has said, with respect to the ninety-two resolutions passed by the House of Assembly in 1834, that it is impossible not to see that the object of the framers of them was either to create an independent republic, or to form a connection with the United States. I am not disposed to think that their real object was the formation of a connection with the United States. Judging from subsequent events, and drawing an inference from the proceedings which have been since developed, I am rather disposed to say that their real object was the formation of a great independent Canadian republic. But what was there to blame in the conduct of the Government with reference to these resolutions? Lord Stanley referred the resolutions to a committee. He brought in a Bill which was referred also to a committee, who entered into the full examination of the complaints contained in the resolutions.

LORD FITZGERALD. — Lord Stanley only announced a Bill.

LORD GLENELG. — Yes, the Noble Lord announced a Bill. It was resisted, and a committee was moved for him, by myself, on the subject of the Canadian grievances. The ninety-two resolutions were referred to it; they examined witnesses, and came to a decision as to the course which Government and Parliament ought to take. They stated that they had collected the grievances and complaints of the Canadians, but that there were other misunderstandings which they thought it better for the Executive to determine. I consider this to have been an evident negative on the production of a Bill. But the Noble Lord who spoke last is of opinion that the Government were to blame with respect to Lord Gosford. I certainly think that there was ground for inquiry. That is a matter of opinion in which I entirely differ from the Noble Lord. It is very easy to state an opinion, and to heap invectives on those who oppose it; but if this be a question on which men may reasonably be supposed to act from the same honourable motives, then I must submit that such censure ought not to affect the Government. I contend that there was ground for inquiry — that there were circumstances which demanded it. So lately as the year 1832, the House of Assembly expressed their warmest acknowledgments for the favours conferred and the grievances redressed. In the short space of three years, however, such a change had taken place in their tone as to produce the ninety-two resolutions. Such an extraordinary revulsion of feeling was sufficient to excite suspicion — such a change of opinion was sufficient to warrant an inquiry into its causes. In speaking of the question of delay, the Noble Lord has been pleased to make use of strong expressions, in which he certainly possesses a peculiar felicity. If the commission had not been appointed for an unreasonable time, there might then be some grounds for the charge of delay. No time was unnecessarily lost. My Noble Friend and the Noble Lord opposite say, we ought to have taken our stand upon the elective principle. If we had, Lower Canada would have been in a much worse state, both interiorly and exteriorly, than it is at present. In the colony the greatest good has been effected by the appointment of Lord Gosford and the division of the French party. When Lord Gosford first went out, the seigneurs and men of large estates on both sides of the St. Lawrence, below Quebec, were in connection with the Papineau party. There were many of them men of great influence, and station, and respectability, who were not particularly connected with politics. Some of them were personally unknown to Lord Gosford, but they were all induced by his measures and representations to dissociate themselves from the Papineau faction, and to remain loyal and well affected. If these men had taken an active part in the agitation of 1837, affairs in the colony, I repeat, would have worn an entirely different aspect. By their great influence they might have produced most disastrous consequences. They continued, however, perfectly tranquil. I put it to the Noble Lords, whether the talents, and character, and weight of the individuals I have alluded to might not have been exceedingly injurious, had not Lord Gosford taken measures for separating them from the Papineau cause, and rendering them faithful to the royal cause. Similar measures were resorted to with reference to the adjoining provinces of Nova Scotia and New Brunswick, in which considerable discontent and agitation prevailed; and some most important changes were effected in these provinces. I beg, however, not to be misunderstood. I am confident those provinces never would have taken any part in the recent insurrection. They have too high a spirit of loyalty for that. But there can be no doubt there is a greater analogy between their feelings and ours, — that their affection for England is stronger than at the period to which I have alluded. These are some of the advantages derived from the course of inquiry which has been adopted; and therefore I consider the censure which has been cast upon Government on that subject a precipitate one.

The question of the military defence of Canada has been much discussed, both on the present and on a recent occasion. Without enlarging upon that topic, I may be allowed to observe, that none of the most unquestionable authorities in Lower Canada, civil or military, felt the least apprehension or suspicion that there was any danger of insurrection in that colony. Nothing can give a stronger proof of their convictions upon that point than the fact that they had troops within their reach, and did not consider it necessary to make use of them. Troops were always within their reach, and an order was sent to the Governor of Nova Scotia to supply them with some. On the 1st of June a demand was accordingly made, but it was only for one regiment. There was no further call made for a considerable time. Indeed, it was not till the end of October that two additional regiments were asked for of the Governor of Nova Scotia. It is not, therefore, a fair statement, or a just representation of the fact, to say that the authorities of Lower Canada were left without the means of supplying themselves with troops if they needed them. They had such means amply within their reach. Besides, the presence of troops in Lower Canada would not have prevented the outbreak, which was premature. I believe that the leaders encouraged the people in strong measures. I believe, however, that it was far from their intention to precipitate matters so soon, or to bring on the crisis at that particular moment. In the Upper province, also, Sir Francis Head willingly divested himself of the troops placed at his disposal. Upon that subject I cannot but offer my best thanks to the Noble Duke opposite for his excellent and statesmanlike view of the question as regards the United States. It is satisfactory to know the friendly feeling existing upon the part of the Government of the United States. I perfectly agree with the Noble Duke, that it would be very unwise on the part of Government to limit their attention to the immediate subject of this Bill; and I trust that in conformity with advice of so much weight, and coming from so distinguished person, your Lordships will continue to your attention to the subject in all its bearings, and to the various topics suggested in the Noble Duke's speech.

I have the fullest confidence in the integrity and good feeling of the Government of the United States. I am certain they will observe a strict neutrality, and punish in their subjects any infraction of such neutrality. My Noble Friend has said, that both England and the United States are prepared to maintain their relations of amity and good faith. That being the case, I am perfectly convinced that in any event that may take place requiring reparation on the part of the United States, it will be most amply afforded; — whilst I can say, with equal confidence, that this country will never shrink from offering, if the occasion for it arise, that reparation which is due from one great power to another. Much has been said respecting the instructions given to Lord Durham. The Noble Duke is mistaken, when he argues as if the committee of advice, adverted to in these instructions, possessed legislative powers. That is entirely a mistake. It is not proposed that this committee of advice shall possess such powers, and this, I conceive, is an answer to the observations of my Noble Friend, who has stated that the Bill as it now stands nullifies the instructions, — that those instructions are to convene a meeting which cannot take place, and that respecting them no law can be passed by any intermediate Government, in consequence of some enactment in the Bill. That might be true, if this meeting or committee of council were a legislative assembly. But it has no legislative powers,—no connection with the ordinary Legislature of the country. If it trenched at all on the privileges of the Legislature, if it in any degree corresponded with, was connected with, or was in any way hostile to the general representation of the country, then it might be fairly said that the Government would be unable to pass a law such as is contemplated. But it is entirely separated from the question of legislation. In a measure, however, of such great importance, it is thought right that the Queen's prerogative should be recognised in the instructions given to the Governor. It has been argued as if my Noble Friend (the Earl of Durham), on going out, were compelled to carry out this measure; whereas it is entirely left to his own option. It is only intended, in the suggestions given him, that he shall not carry this measure into effect unless he shall find the state of the country, on his arrival, such as will warrant him in taking such a step. The Noble Duke has very properly said, consistently with what has been stated in other parts of the debate, that he thinks, in making any alteration in the government of Canada, the feelings and wishes of the Canadian people themselves ought to be consulted. That is an opinion which cannot fail to be echoed by every one of your Lordships. But the Noble Duke has also observed, that this measure is an encroachment on the functions of the Assembly of Upper Canada. I confess, with the greatest respect for the Noble Duke's observations, that I cannot perceive in what respect it can be so considered, and precisely for the reason I have already stated, namely, that it does not possess any legislative powers. If this committee of counsel were so framed that it could exercise a legislative power, and did so exercise that power in regulating the affairs of either province, then would it be an encroachment upon the functions of the Assembly. But the whole purport of this committee will be to afford assistance to the Governor.

With regard to the words stating that the committee is to give its advice relating to the financial affairs of Lower Canada, it should be recollected that it will be given upon measures to be carried into effect, not by the committee, composed as it will be of parties from both provinces, but by the Imperial Parliament or the Legislature of Canada. My Noble and Learned Friend has observed, that this Bill has undergone a total change in the House of Commons. It is very true that the preamble which was originally inserted by the Government has been removed. The grounds for our having done so I will not now enlarge upon. I will merely say, that although the words substituted do not go quite to the same extent, their purport, substance, and intention are, nevertheless, the same as they were before. With regard to the relative situations of the two Canadas, I will say that it is impossible to separate their interests, or for any Government to leave Upper Canada much longer in its present situation. The inhabitants of Upper Canada have no outlet to the sea. In the midst of all that vast development of power and strength by which that country is gradually swelling into importance, it is excluded from the navigation of a great river which gives them the mockery of free commerce; and thereby excluded from the sea, unless by passing through a neighbouring nation. This is a state of things which it cannot be expected the people of Upper Canada will submit to. And to whom ought that people, devoted in their attachment and allegiance to this country, to look for relief, if not to the British Government? Indeed, I am sure that there is not an individual in this House who will attempt to deal with the province of Upper Canada without affording that relief. But in what way is it to be afforded? In my opinion it can only be done by uniting the two provinces in all questions affecting their common interest. We must, for instance, give to the Upper province some influence over the navigation of that great river, with a view to advance the commercial interests of the country. We cannot place a barrier between the two provinces, and say to Upper Canada, "We admit that the situation in which you are placed is extremely injurious to commerce; we hear from you remonstrances on the subject, — we pity your condition, but we cannot offer you any remedy." It is but fair, it is but just, to consider whether that province has not a right to some control as to the navigation of the St. Lawrence. There are also questions relating to canals, railroads, and various other matters, continually occurring between the two provinces, in which it would be well to unite their interests. Indeed, if we delay much longer to apply ourselves to this evil, we shall be establishing grounds of discontent which it may be afterwards difficult to appease.

Reference has been made to the growing strength of Canada, and to the question of its separation from this country. In looking at that question fairly and fully, let it not be concluded, if those provinces must become nations, that therefore they must cease to be connected with this country. Let justice be done to them; let that justice be done which common sense on their part will approve; and I boldly assert, that those feelings of attachment to this country which induce them to glory in our triumphs, will still continue in that colony, even when it shall have risen from the rank of a province into that of a nation spreading over half the continent. Who talks of separation? Not the Canadians; they have no such wish, as they have lately proved in a most glorious manner. If there be any crisis or occasion upon which it is particularly advisable that this country should show itself desirous of supporting Upper as well as Lower Canada, it is that which has just occurred. The purpose of a convention is simply to lay the foundation of some subsequent proceedings, by which we can secure certain measures in common to both provinces. The committee sketched out is but the prelude to what is to be hereafter effected. But what I wish particularly to impress upon your Lordships is, that the question will be but very imperfectly regarded, if, in your consideration of Lower Canada, you do not include the interests of Upper Canada also. I believe that there are many persons in both provinces, who are of opinion that a federal union might be established between them. That is a subject on which I will not now enter; it is one, however, which has been so well received in this country, as well as in the provinces themselves, that I do not think much blame can be attached to any Government for turning its attention to it.

The DUKE of WELLINGTON.—What I conceive, with regard to the case of Lower Canada, is, that the manner of framing the proposed council is contrary to law, as it is to be framed, in part, by an election of persons from the Upper province; and that such a council is not allowed by the law of 1791. I do not object to the selection of persons from the House of Parliament of one province, in order that they may consult; but I do object to their making laws for the other, as being contrary to the Act of Parliament. I certainly shall offer no opposition to the carrying into execution all the measures contemplated by the Noble Earl, or which he may think well of, with a view to the arrangement of questions between the two provinces in their relation to each other,—except those pointed out in this despatch.

LORD ASHBURTON.—My Lords, I think it may be safely affirmed of the Bill, now under your Lordships' consideration, that no measure ever received the support of such large majorities in both Houses of Parliament, which, nevertheless, had that support so reluctantly given to it. It is admitted by those who have introduced, as well as by those who support it, that this is a Bill of extreme rigour, of severe penalties;—the abrogation of a constitution solemnly granted;—the substitution, for a time, at least, of arbitrary for constitutional power,—a measure, in short, most abhorrent to all who, valuing national liberty at home, feel it a duty to promote it in all the dependencies of our empire. Such an Act can only find its justification in extreme necessity,—in a conviction that it affords the best and only hope of ultimately preserving those very liberties which it has, in the first instance, the appearance of sacrificing; and the first question I have to put to myself, to enable me to come to a decision in the matter, is, whether or not this necessity is clearly proved? I think it is. After an attentive consideration of everything that has been urged by the opponents of the Bill, and more particularly by the Learned Gentleman who has been heard at your Lordships' bar, no other alternative seems presented by them, nor does any suggest itself to my own mind. An open rebellion has broken out. This rebellion has no doubt been contrived by artful and mischievous men; but these men are supported by a majority of that Legislature whose powers you are about to suspend. Those powers are, and will probably continue to be, used for the same purpose,—the destruction of British supremacy and power in one of the colonies. If, therefore, that dominion and supremacy be to be preserved, I come to the conclusion that that is only to be done by the intervention of arbitrary authority;—by some attempt at such changes as may make a constitutional government work practically;—and for this purpose it is intended to send out a Noble Earl, in the hope that his talents may elicit peace and order out of these jarring elements. We must all wish him success in this difficult mission, for it is clear that the feelings and habits of our own country will not permit the permanency of arbitrary government in Canada, and that in some shape or other a system of freedom must be restored as the only system compatible with British connection.

When I say that no other alternative is offered to us, I must except that of entire submission on our part, to the demands of the Legislature of Lower Canada. Submission, we are told, to the popular branch of the Legislature, is our duty; that it is acting in conformity to the analogies of our own constitution. In questions of ordinary administration this may be true, and the history of our dealings with Canada sufficiently proves that we have not been wanting in submission and forbearance; but the demand, in the present instance, is, that we should abrogate that constitution under which, alone, that body holds its power,—that we should alter the powers held by other branches of the legislature. In comparing the constitutions of the colony and the mother country, this difference seems to be lost sight of,—that the colonial constitution is a written constitution contained within the four corners of an Act of Parliament, while that of this country consists in one phrase—the omnipotence of the three branches of the legislature. Violent, therefore, as this measure is, it is a mistake to say that it is a violation of the Canadian constitution

The violation is clearly with the other side. They, the Legislature, call for a change of the constitution; they endeavour to force that change by stopping the wheels of government; and upon seeing these means of coercion fail, they break out into open rebellion. But it is said, that a change of the constitution, if so evidently desired by a large majority of the people, must be for their benefit, and should be yielded. Why should we object to that modification of power which the people to be governed think conducive to their happiness? If the change should work ill, would not they be the sufferers? Why should we not let them please themselves? This argument would be unanswerable if the case were not one of great complication, — if the colony to be governed were one homogeneous race of people, with one single, universal interest, as was the case with our former colonies, the present United States; — and this view of the subject brings me to the consideration of the peculiar circumstances of Lower Canada,— its social condition,— its geographical position, — its connection with our other colonies. I am not about to fatigue your Lordships with a long dissertation on a subject with which you are all so well acquainted, but the peculiarities and anomalies of this case are of the very essence of this question: it can only be understood and determined by considering them.

A large majority of the people of Lower Canada are of French origin,—an honest, sober, good-hearted, but ignorant people. Their degree of instruction has been variously represented; but I can, from my own knowledge of them, say that they are, in intelligence and information, far behind their neighbours and the British settlers who are mixed with them. These last have nearly monopolised, by their activity and enterprise, all the branches of internal and external traffic. Between these two races jealousies and hatred have unfortunately grown up, arising mainly from the traditional recollections by the Frenchman of his origin and conquest; and from his apprehension that, owing to the annual influx of new settlers from this country, his nationality may be obliterated entirely, as has been the fate of the German, Dutch, and French settlers in parts of the United States. The feeling is natural,—we can hardly say that it is not amiable. It has been artfully encouraged by a few designing men, mostly of the legal profession; a profession which usually furnishes society with reckless and ambitious characters, ready to raise themselves into eminence by inflaming dissension and turbulence. This state of parties in Canada is the true explanation of the events we have witnessed. There is no real cause of complaint of bad government, now, whatever may have been the case formerly; there is no animosity to England, still less is there any wish to connect themselves with the United States; their desire is to maintain their own nationality; to preserve the feudal institutions and laws of old France; — (institutions, long since abolished, there, but cherished by the colonist from feeling and from passion); — and I should ascribe the increased disposition to turbulence, of late years, to apprehensions created by the greatly increased arrivals of emigrants of British origin. These have gone out, for some years past, to the number of from 30,000 to 50,000 annually; and the French, seeing that they were in danger of being outnumbered, concluded that they must move, now or never, if they were to maintain themselves as a distinct people.

But if this be the true state of the case, your Lordships will see that it imposes serious duties upon the Government of this country. Our own people, although a numerical minority, probably in the proportion of about two or three, are entitled to protection. In some townships they form the majority — every where they are the principal owners of the shipping, manufacturing, and moveable property.— They have settled under assurances of protection; they are entitled to that as to their birthright, and the more so, as it is evident, to me, that, should they be abandoned, they will be persecuted, and, in some way or other, either worried out of the country, or forced to fight their battle alone, or to call in their neighbours of the States to their assistance.

This view of the case shows what are the serious difficulties attending this question. You cannot yield to the will of a numerical majority; yet how is a free constitutional government to be administered on any other principle? You cannot withdraw from this unmanageable chaos, and leave the people to discuss or to fight their way to order and peace, because your own British settlers would be the immediate sacrifice. It is useless to discuss how this state of things was created; it is sufficient for our purpose to recognise the fact that it exists, — I am as well convinced that the consequence of giving absolute power to the French majority would be the destruction of the English minority, as I am that similar consequences would follow, in Ireland, from suddenly placing in Ireland the Protestant minority at the mercy of the Catholic majority. We may lament that the world is governed by passion and prejudice, and not by reason and good sense; but we should be culpable were we to shut our eyes to undeniable existing facts. The Noble Earl who is to go on this mission may be the magician who is to solve these difficulties for us. He would probably not undertake the task if he did not anticipate success;—for my part I cannot refuse him the powers which this Bill is to give him; — and that is all that I am called upon to decide on the present occasion.

If the social condition of the population of Lower Canada present these impediments to that mode of settlement which is suggested,—namely, by yielding to the will of the majority, — they are still further strengthened by the geographical position of this province. Upper Canada would be altogether cut off from all communication with the sea and with the mother country by the abandonment of our authority over Lower Canada. These provinces are connected by geographical necessity;—and under separate jurisdiction, or under an imperfect jurisdiction of the mother country, the Upper province would be at the mercy of the Lower, through which its trade and produce must pass to the sea. Now the population of Upper Canada is wholly British; they have given proofs not to be mistaken, of a nearly unanimous desire to remain connected with us; they have, by the recent election of a Legislature, called together by Sir Francis Head, under circumstances which made this the main question at issue, pronounced that verdict; and they have further confirmed it by the alacrity with which, unaided by British troops, they turned out in defence of their allegiance. Twelve thousand men appeared in arms, we are told, at the shortest notice, to resist rebellion; and the absence of all preparation and caution on the part of Government has, at least, produced this result, that the wishes, the earnest wishes, of the British settlers in both provinces cannot be doubted. I contend, therefore, that the interests and the rights of several hundred thousands of our own people forbid that we should betray or abandon them; for it is idle to say that the yielding to the claims of the French Canadians does not involve this abandonment. The question at issue is the maintenance of sovereignty. If Lower Canada has a real grievance, it is—that she belongs to you at all; and all those who know the country, and who have followed up this controversy, are sensible that all the chimæras of M. Papineau and his followers have no other object but separation; and I, for my part, should have no objection to separation, if it were not evidently aimed at with a view to the oppression of those whom we are bound by every sentiment of duty and of honour to protect.

I will not detain your Lordships by going through the twenty-eight resolutions of the committee of the House of Commons of 1828, or the ninety-two grievances of the Canadian Legislature. The truth is, that all real subjects of complaint were remedied: there was every disposition to remove all abuses. There were, no doubt, many to remove; but the insincerity of the Canadian Legislature was clearly demonstrated by the fact, that in many instances they did not avail themselves of the powers freely given them to remove those abuses of which they so loudly complained. No: the factious movers, in this instance, used these remonstrances merely as a cloak to the only real object they cared for,—the setting up of French authority and power, by which the persons and property of the British race would have been at their mercy; and they were emboldened by the weak, wavering, timid, and vacillating conduct of the Government, to think that the moment was favourable for giving effect to their projects.

I have thus endeavoured to explain to your Lordships the view which a deliberate consideration of this subject, and a pretty constant attendance on the several committees to which it has been referred by the other House of Parliament, have brought me. The real question at stake is, the maintenance or surrender of the colony; and to this object all the efforts of the dominant French party are directed. They strive, indeed, to divert our attention by their ninety-two grievances; and we debate them, and send commissioners to examine them in detail, as if they were made in good faith, and were not mere stepping-stones to their great ulterior purpose! The principal demand, for popular election of the Legislative Council, they well know, would effectually give them that lever by which the power of the Crown could be perverted, and all protection of the British minority destroyed. Accordingly, this is with them a *sine quâ non* for reconciliation; and whatever opinions may be entertained of the proper policy to be pursued, no man can desire the retention of a nominal sovereignty, which would be sufficient to involve the mother country in anxious responsibility, without affording any substantial means of influence or control.

Any yielding on this point involves, therefore, the abandonment of the colony;

and a discussion of this great subject necessarily leads to a consideration of the more extensive question of the value of these colonies, generally; of their probable future fate; and of the principles to be followed in our future management of them. I expressed my opinion many years ago on this subject, long before any material discontent had manifested itself. I have not altered that opinion; and although I fear it will meet with little concurrence from your Lordships, I cannot refrain from repeating it. I am now speaking of the value of the two Canadian provinces, abstracted from those considerations which I have referred to, that render protection an act of duty to the British population settled there. I am supposing the separation of these colonies to be practicable without such fatal consequences, and that the two races inhabiting them could be reconciled. In that case I have no hesitation in saying that I should gladly see that separation effected, and that I do not attach that value to these possessions which is so generally ascribed to them; above all, that I consider it most important, both as respects moral and material influences, that that separation, which is at no distant period inevitable, should be made amicably, without convulsion and animosity, and that the parties should separate with reciprocal feelings of good will and affection, such as necessarily attend the separation of parents and children, when common sense points out the expediency of separate establishments for the happiness and welfare of both.

Is the world to derive no benefit from the lessons of history, — or are we to repeat over and over again follies and blunders, in our own day, which we reprobate and condemn when they are half a century old? It is now sufficiently clear to the most ordinary observer that it was not the Stamp Act, nor the Boston Port Bill, nor any one particular grievance, that determined the independence of the United States. Foolish and arbitrary measures may have hastened an event which might otherwise have been delayed a few years, but the age of restlessness had arrived, — the child could no longer endure the leading strings. The population of three millions which those States then contained might possibly, by conciliation and care, have been retained until a million or two more had been added; but no man in his senses could believe that the twelve or thirteen millions, to which they are now swollen, could, with advantage to them, or any benefit to us, be governed from Downing Street. Are our countrymen on the borders of Lake Huron or Lake Superior differently situated? Can it, by any reasonable man, be expected that they and we shall be living under one government fifty, or even twenty, years hence? Can it be for the interest of either that we should be so? But what is most essential for the interest and for the honour of both is, — that that inevitable revolution, when the proper time comes, should be the result of reason and generosity, so that the parties be not left, for a century after, with the feelings of animosity, consequent upon a violent and contested disruption.

I beg not to be understood to undervalue these colonies; I am aware of the extensive and valuable trade carried on with them. I only undervalue the right and the duty to govern them, and I maintain that we should not lose the smallest portion of commercial advantage if, by a mutual and friendly agreement, they were left to govern themselves. Let me not, therefore, be answered by a reference to returns of imports and exports. What part of the world is it which now gives the greatest extent of life and activity to our manufacturing industry? The United States of America; whose independence it was predicted would be our ruin. Could that growing and wealthy country be of more service to us, if we sent them out presidents and governors from home, and were yearly wrangling with each and all of their States from our Colonial Office?

This subject appears to me to be involved in much misunderstanding by confounding all colonies under one category, and considering them as to be dealt with on one principle; namely, that they are to be permanently held and defended. There are establishments which are principally important as naval and military stations; there are others, such as the Indian Peninsula and Australia, in peculiar and anomalous positions, which I will not now discuss; there are the sugar Islands, easily defensible by naval power, yielding productions not grown at home, and exchangeable for our own; and, lastly, there are those colonists on the continent of North America, simple farmers or yeomen, cultivating their fields with the same productions as we do in England, — a mere extension, in fact, of Sussex, Hampshire, or any other counties of England. The extent of such settlements is indefinite; in the course of years their population expands so as to exceed, as was the case with the colonies of Greece, the population of the mother country; and yet we absurdly suppose that they must remain for ever connected with us, and be governed in perpetuity by those who can know nothing of their wants and interests; and because Jamaica may,—and should be,—clung to so long as we have power to maintain it, the same principle should be applied to Canada. "Ay," it is said, "but the time for separation is not yet come." I admit that it is not; it is proved not to be so, by the fact (not to be mistaken) of the conduct of the people and Legislature of Upper Canada; and I have already argued that the dependence of the British population of Lower Canada requires your protection. In such a state of things we cannot hesitate—we are clearly maintaining the government by the wish and for the benefit of the party governed; but this question has been so invariably discussed on the false principles that all power should be upheld, and that you are never to surrender until you are beaten out of it, that I have felt it to be my duty to state freely my sentiments concerning it; and this, the rather, because they are a repetition of those expressed some years ago in another place, and which have been misrepresented. It is my opinion, these colonies should always be held as temporary possessions; that the signs of the times should be watched. I do not say that we should yield to the whim or the threat of every turbulent demagogue; but that the world, both the New and the Old world, should be distinctly made aware that we attach no value to the retention of sovereignty, and that we are ready for amicable separation the moment that a decided majority of the people, of character and intelligence, desire it; and that the change can be accomplished consistently with that due protection of our own people which they have a right to demand of us.

I confess, for my own part, that I should be even disposed to go further, and to say that, provided a reconciliation could be effected between the races, I would rather recommend and promote, than discourage, a demand for separation; for I should consider that event a desirable circumstance. From what perplexities would it not relieve us? In what perplexities are we not at present involved? With the best disposition to moderation and forbearance, we may be drawn into a war with the people, with whom, of all others, it is our interest to be at peace. A hasty and imprudent or mischievous man, on either side, may bring about questions upon which you may not be able, consistently with your honour, to yield; and the war then to be entered upon cannot be "a little war;" it will require all your strength; and that, too, in a case where the most signal success would leave you at last in a false position, with the same battle to fight over again and again. We should establish in the New World the notion that England and America were what are called "natural enemies," as England and France were said to be in the Old World from their repeated wars; and when we consider that there is between our colonies and the States a line of boundary of at least 2000 miles, and that we have already a serious controversy about limits at each end of that boundary, the difficulty of maintaining permanent peace and harmony may be easily appreciated. It is admitted that the Government of the States has acted upon the present occasion with perfect good faith; but is it sound policy to hazard uselessly so much upon the dispositions of persons and parties in a highly excitable democracy? Strong as are the interests of both countries to maintain peace and harmony, if we search the pages of history, how often do we not find events determined by passion or accident, rather than by prudence and calculation? It is apparent, also, that however honourable the conduct of the Federal Government has been, the authorities have been hardly strong enough to check the hostile disposition on the borders; and there must always be some danger of irregular action on so long a line of a fretful and, in many parts, a lawless boundary. These are dangers which I would look to in time: when near at hand it may be too late. Any great change can only, with honour and dignity, be made whilst there is no pressure from without. The question, after all, comes back upon us, can these colonies be permanently held? If the answer be that they cannot, we should see that we make our retreat in a way worthy of our character. To use the expression of a Noble Duke (the Duke of Wellington), —in one of that admirable series of letters which have been read with so much delight by the public,—when perplexed and thwarted by opposition and difficulties in Portugal, "If I am obliged to abandon this country, I beg to go out at the hall door like a gentleman."

The policy of holding colonies by expensive establishments is also materially changed since our commercial system, and the nature of our connection with those colonies, have been totally altered. In old times the maritime powers of Europe seized what they thought the most valuable portions of Asia and America

Spain and Portugal got the richest prizes in this scramble; but all proceeded, and, until a very late date, continued, upon the most exclusive system of monopoly. All the produce of the colony must come to the mother country: — and in our own case even the right to manufacture for themselves was denied them, in order that the interests of Birmingham and Manchester might not suffer. With such a state of things, if you had no colonies you had on trade. But the whole of this system has vanished gradually from our statutes, and since the colonial reign of Mr. Huskisson, all nations have access to our colonies on nearly the same terms with ourselves, while these colonies carry their produce wherever they please. The only right which we now monopolise is the right to keep up establishments for the benefit of others, and the liability to be involved in foreign war or internal rebellion in the course of our attempts at executing our gratuitous service.

It would be most unjust to infer from this reasoning that our settlements in North America had not produced the greatest possible benefits to ourselves or to mankind. If, in the revolutions and changes of the world, the civilisation of this country should perish, and it should be our fate, as it has been that of other great empires, to have nothing left us but our recollections,—our most imperishable monuments of former wealth would be those great colonies which are destined to carry our language, literature, and laws, and, above all, our pure religion, into the forests of the new world. The moral contrast with the efforts of other nations will also be most striking. Of all the emancipated colonies of Spain, not one, after conflicts continued for a quarter of a century, has yet settled down into a state of order and peace. The ignorant inhabitants are a prey to the successive adventurers who oppress and plunder them for their own selfish purposes; no capacity for self-government has shown itself in any one single instance, whilst our children, from the first hour of their separation to the present day, have established institutions which have not for a moment been interrupted by a single attempt at disturbance, and they are now successful rivals in arts and commerce of the most civilised nations of the world. The only circumstance we have to regret in their history is, that we failed in sagacity to perceive the period of their manhood, and that we forced upon them the necessity of a hostile separation. Let us, at least, not lose the instruction which that experience should leave to us.

Having troubled your Lordships with these, I fear, too lengthened observations on the general principles which should guide us in our colonial policy, and the reasons which induce me to admit that these principles cannot be applied in this immediate instance, owing to the actual presence of rebels who must be subdued, — and in consideration of the just rights of the British settlers, whose property and lives might be compromised, — I shall make but a very few observations upon the Bill itself, and the course proposed to be followed by her Majesty's Government. The latter, indeed, seems to consist simply in evading all decision, and all responsibility, by sending out the Noble Earl to "inquire," — as if we had not had inquiry enough. I shall abstain, however, from discussing the various suggestions and surmises of what might or should be done, because I believe such discussions may tend to prejudice and impede proceedings in the colony; there is, however, one clause in the Bill which I would request the Noble Viscount to reconsider; it is that which positively prohibits the again calling together the Legislature of Lower Canada under any circumstances. I admit that it is little likely that the Noble Earl should see reason to resort to this measure, but it surely is unnecessary to tie his hands by Act of Parliament. Is not such a course somewhat harsh and ungracious, and might not this injunction, if necessary, be better placed in the instructions than in the Act? The powers to be given to the Noble Earl are, in truth, so far as they are intelligible, very limited. He can do little, though, like the commissioners who have preceded him, he may report much. The want of steady, firm conduct, which need not be, on that account, the less conciliatory, is the evident cause of the resistance and the rebellion. The agitators in Canada, like those nearer home, seem to have thought the Government feeble, and to use a new, but appropriate expression, "squeezable;" that the moment was propitious; that they had but to dare, to be successful. There has been no show of vigour but with the British colonists. What could be thought, for instance, of the powers of a Governor of Upper Canada where three Governors had succeeded each other within a few months? a state of things only to be paralleled by the well-known occurrence in Portugal, during one of the earliest victories of the Noble Duke near me, when three commanders-in-chief appeared in the same day on the field of battle. To the Noble Earl, however, the solution of the difficulties of this case is now committed, and I most cordially and unfeignedly wish him success.

The Bill was then read a second time, and committed to a Committee of the whole House on Monday next, and the Lords summoned.

LORD BROUGHAM.—I beg to move that John Arthur Roebuck, Esquire, be heard at the bar of your Lordships' House on Monday next, against the passing of the Canada Bill.

Agreed to.

PAPERS.

Third Report of the Commissioners of Religious Instruction (Scotland). — Delivered (by command), and ordered to lie on the Table.

Statement of the monies received from the Paymaster of Civil Services in Ireland, on account of the Dublin Metropolitan Police, and the expenditure thereof, from the 1st to the 31st of December, 1837. — Delivered (pursuant to Act), and to be printed.

Statement of the expenses of the civil government and administration of justice in Lower Canada, for four years, from 1832 to 1835 inclusive; as, also, of the sums which would have been at the disposal of the Government, if the revenues of the 14th Geo. III. c. 88. had not been given up: Also,

Return of the population of Lower Canada: Also,

Return of the population of the six united counties of St. Hyacinthe, Richelieu, Rouville, Vercheres, Chambly, and L'Acadie, of the city and county of Montreal, and of the counties of Two Mountains and Terrebonne: And, also,

Copies of the titles of all Acts of the Legislature of Lower Canada, which have expired in the years 1835, 1836, and 1837, and of all such Acts of the same Legislature as will expire in the years 1838 and 1839.

Severally delivered (pursuant to order of the 23d of January last), and to be printed.

Further copies or extracts of correspondence, relative to the affairs of Lower Canada and Upper Canada (in continuation of papers presented on the 23d of December, 1837, and the 16th and 29th of January last). — Delivered (by command), and to be printed.

Annual account of the Commissioners of Arundel Port.—Delivered, and ordered to lie on the Table.

Adjourned.

HOUSE OF COMMONS.

PRIVATE BUSINESS.

Glasgow Waterworks. — *Haleworthy Roads.* — *Edinburgh Community Estates.* — *Belfast Waterworks* (*No.* 2.). — Petitions for Bills; severally referred to the Select Committee on Petitions for Private Bills.

Torquay Roads. — Petition of Henry George Cary, Esquire, complaining of non-compliance with the Standing Orders.

Cheltenham and Great Western Union Railway. — Petition of Lieutenant Colonel Charles Cother, to the same effect.

Severally referred to the Select Committee on Petitions for Private Bills.

Ellesmere Roads. — Petitions against the application for a Bill, — from trustees of the Road from Whitchurch to Ternhill, and inhabitants of Whitchurch (Salop), and other places. — To lie on the Table.

Finsbury Small Debts Bill. — Petition from Stephen Gaselee, Esquire, and others, against. — To lie on the Table.

PUBLIC BUSINESS.

PAPERS, RETURNS, &c.

The following Papers, Accounts, &c., were severally delivered in at the bar; namely, —

Naval Receipt and Expenditure. — Annual accounts for the year ending 31st of March, 1837 (by Act).

East India Company. — Copies of Resolutions of the Court of Directors, granting any pension, salary, or gratuity (by Act).

List of particulars of compensation proposed to be granted to Mr. William Glover, of the late maritime service of the East India Company (by Act).

Account of allowances and compensations to the officers and servants of the Board of Commissioners for the Affairs of India, and of the East India Company, in 1837 (by Act).

Copy of particulars of compensations and allowances granted by the Court of Directors, and confirmed by the Board of Commissioners for the affairs of India, between the 1st of January and 31st of December, 1837, to persons whose interests have been affected by the discontinuance of the Company's trade (by Act).

Arundel Port. — Annual Report and Account for the year 1837 (by Act).

MISCELLANEOUS PETITIONS.

The following petitions were severally presented; namely, —

Marine Insurances, —By Mr. Wallace and Mr. Reddington, for repeal of duty thereon, — from Greenock, Glasgow, and Dundalk. — To lie on the Table.

Postage, — By Mr. Wallace, for a lower and uniform rate of postage, — from Greenock, and Kilkenny. —Referred to the Select Committee on Postage.

Sheriffs' Courts (*Scotland*) *Bill,* — By Captain Gordon, and other Honourable Members, against, — from Elginshire; Aberdeen; and Wigtonshire.

On presenting the petition from Aberdeen, CAPTAIN GORDON said:—I hope the Learned Lord Advocate will postpone this Bill, as there are many objections to it, and several Members from Scotland are not now in town.

The LORD ADVOCATE. — I have been frequently reproached with putting off Bills, when I have done so to accommodate Honourable Members. I know from experience that it is always better to proceed with a Bill on the day for which it is fixed, and I hope that the alterations which I shall have to propose in committee will meet many of the objections now urged against this Bill.

Poor Law Amendment Act, — By Mr. Grimsditch, — from Chinley and other places, for repeal.—Referred to the Select Committee on Poor Law Amendment Act.

Negro Apprenticeship. — Petitions for the abolition of, were severally presented by Mr. ERLE, Mr. DUCKWORTH, LORD A. PAGET, Mr. BAINES, LORD VISCOUNT SANDON, and other HONOURABLE MEMBERS, — from Lichfield; Oxford; Leicester; Andover; Liverpool; Bury St. Edmunds; and Leeds (signed by 15,000 persons).

Foreign Corn, — By Mr. REDDINGTON, — from Dundalk, for allowing foreign grain, in bond, to be ground for exportation.

Lower Canada, — By Mr. LEADER, Mr. HUME, and Mr. HINDLEY, against the war, and for the redress of grievances, — from Cumnock; Ashton-under-Lyne; and chairman of a meeting of inhabitants of Edinburgh.

Patterns and Inventions Bill, — By Mr. MACKINNON, — of Robert Shorter and others, in favour.

Ballot, — From Dumbarton; Methven; and Ludlow; in favour.

Northampton Court of Record, — By Mr. VERNON SMITH, — of the Mayor of Northampton, for extending the jurisdiction of the said court to the county of Northampton.

Commercial Daily List, &c., — By Mr. HUME, — of merchants, brokers, and traders of London, that the Executive may not interfere with the insertion of names in the Commercial Daily List, Prices Current, and other papers containing wholly commercial matters.

On presenting this petition, Mr. HUME said: — Sir, this petition is signed by 300 merchants and others of the city of London, of the highest respectability; and it is therefore entitled to the serious consideration of the House. The petitioners complain of the plan which has been adopted by the Stamp Office within the last few months, of charging postage on the Lists of the *Prices Current*, and not allowing the names of persons to be inserted in the Daily Commercial List without payment of duty. This change in the practice pursued by the mercantile world for the last fifty years, has arisen from a misconstruction of the Stamp Act. As the Right Honourable Gentleman the Chancellor of the Exchequer is not in his place, and as there is a notice of mine on the paper, I shall postpone further discussion on the matter until it comes regularly under the consideration of the House.

North American Colonies, — By an HONOURABLE MEMBER, — from Greenock, for the adoption of measures for suppressing the spirit of insurrection that prevails in the North American colonies. — To lie on the Table.

Rating of Tenements Bill, — From Dudley, against. — Referred to the Select Committee on Poor Law Amendment Act.

Bible Printing (Scotland). — Of the chairman of a meeting of members of the Perthshire Bible Society, for abolishing the monopoly enjoyed by the Queen's printer in Scotland, of printing Bibles.

Sodor and Man Bishoprick, — By SIR ROBERT INGLIS, — of the dean and chapter of Chichester, against suppression of.

Ship Building Apprenticeship, — From Dundee, for repeal or reduction of the duty on indentures of apprenticeship. — To lie on the Table.

Highway Rates Bill, — From Stoke Damerel, against; also, of trustees and creditors of the Mandbridge turnpike road, in favour. — Severally referred to the Select Committee on the Bill.

JOURNALS OF THE HOUSE,

With an Index to the ninety-third volume, to be printed under the direction of the Clerk of the House, and by such person as shall be licensed by Mr. Speaker.

COAL TRADE (PORT OF LONDON).

On the motion of Mr. LABOUCHERE, Act (1 and 2 Will. IV. c. 76.) read; committee thereupon on Monday next.

RETURNS, &c.

Linen and Linen Yarn. — On the motion of Mr. BAINES, an account was ordered — of the quantity of linen and linen yarn exported from the United Kingdom in the years 1834, 1835, 1836, 1837; specifying the countries to which they were sent.

Navy Estimates; Army Estimates. — For the year 1838-39, severally presented (by address). — To lie on the Table, and to be printed.

EDUCATION IN SCOTLAND, &c.

An Honourable Member. — I beg to ask the Right Honourable Gentleman the Chancellor of the Exchequer whether it is his intention to bring in the Bill for the extension of education in the Highlands of Scotland?

The CHANCELLOR of the EXCHEQUER. — I hope to do so on Tuesday.

Mr. WAKLEY. — I am desirous of knowing whether the Right Honourable Gentleman means to take any steps for the extension of education in England, where it is wanted as badly as in Scotland?

The CHANCELLOR of the EXCHEQUER. — This is not the time to discuss the question referred to by the Honourable Member for Finsbury. The Bill alluded to on the present occasion relates merely to a few parishes in Scotland, and was introduced for the purpose of giving effect to a declaration which I made in answer to a deputation, and which requires legislative authority to give it force.

COURT OF SESSION, &c. (SCOTLAND) BILL. — SALARIES TO OFFICERS.

Queen's recommendation having been signified — Committee thereupon on Monday next.

COURT OF SESSION, &c. (SCOTLAND) BILL.

Considered in committee; to be reported on Monday next.

CANADA.

Further copies and extracts presented, — of correspondence relative to the affairs of Lower Canada and Upper Canada (by command). — To lie on the Table, and to be printed.

SIR R. H. INGLIS. — Seeing in their places the Noble Lords the Secretaries for the Home and Foreign Departments, I wish to ask them questions on two points which I know excite very great interest at the present moment, both in the House and in the country. I have, however, I beg to add, every reason to hope that the answers I shall receive will, in the fullest sense of the word, be satisfactory. The first question is relative to the American steamer Caroline. As I cannot be content — indeed, as I will not condescend — to qualify the transaction in the style it has been treated in the American papers, I will simply say, that my first question is relative to the steamer Caroline. The second question is, will the Noble Lord the Secretary of State for Foreign Affairs object to state to the House the relation in which Mr. Fox, her Majesty's Minister in America, is now placed in respect to the United States Government?

VISCOUNT PALMERSTON. — I am happy in being able to answer the second question proposed by the Honourable Baronet. With regard to the first, I understand no official account as to the affair of the Caroline has yet reached the Colonial Office, which, therefore, knows of it only through the doubtless much exaggerated statements contained in the American papers. With regard to the relation in which Mr. Fox stands at the present moment with the Government of the United States, I am able to afford the House the fullest information, inasmuch as this very day I have received from that gentleman a despatch, dated the 5th of January. Mr. Fox, on the 2d of last month, received from Sir Francis Head a communication stating what had taken place with regard to Navy Island, and representing in strong terms the fact of that place being held in possession by a body of rebels armed and equipped in the United States; of its being flocked to by armed parties of citizens of the United States; and of its being actually commanded by an individual who was a citizen of the United States. Mr. Fox immediately submitted these facts to the President of the United States, and received in reply a most friendly communication. In the first instance he had a verbal communication from Mr. Forsyth, containing an expression of sentiments such as might be expected from the friendly spirit of the United States' Government, and the high sense of honour by which that country has been actuated in its dealings with foreign countries. On the 5th instant Mr. Fox received a note from Mr. Forsyth, in which was a passage to this effect: — "That all the constitutional powers vested in the Executive would be exercised to maintain the supremacy of those laws which had been passed to fulfil the obligations of the United States towards all nations that should happen unfortunately to be engaged in foreign or domestic warfare." In addition to this assurance that all the powers now vested in the central Government should be used to preserve neutrality, the President, on the 5th, sent down a special message to Congress, stating that though the laws as they stood were quite sufficient to punish an infraction of the neutrality, they were not sufficient to prevent it; and asking the Congress to give the Executive further powers for that purpose. Upon the receipt of this communication, a short discussion, in which many of the leading men, such as Mr. Clay, Mr. Calhoun, and others of that character, participated, took place in Congress; and, without exception, all who spoke expressed sentiments of a most friendly disposition towards this country, — stating a strong opinion that the laws should be enforced, and that if as they stood they were insufficient, stronger powers should be given to the Executive. Nothing, in short, could be more satisfactory than the communications which have passed between her Majesty's Government and that of the United States; and I therefore think the House may confidently trust, although on both sides there may have been committed, by individuals, some acts not consistent with the laws, and somewhat in violation of the friendly spirit which actuates the two countries, none of those acts are in the least degree calculated to interrupt the harmony which prevails between the two governments, or in the slightest degree to influence our existing relations.

LORD JOHN RUSSELL. — As the Honourable Baronet opposite has asked me a question with respect to the steam vessel Caroline, reported to have been burned in Canada, I feel called upon to rise. In answer to that question, I beg to say that her Majesty's Government have received no official communication with regard to that transaction, and it is therefore impossible for the Government, until a despatch respecting it has been received, to state the character of it. The latest despatch from Sir Francis Head was dated the 28th of December. There are other accounts from Sir John Colborne of the date of the 2d of January, in which it is stated that it has been arranged between him and Sir F. Head that all future operations against Navy Island are to be carried on under his direction, and that he is taking steps with that view with all possible despatch.

ZEALAND ASSOCIATION.

Mr. PLUMPTRE. — I will take this opportunity of putting a question, to which I hope some member of the Government will favour me with an answer,—whether it is proposed to grant a charter to the New Zealand Land Association, with the view to their establishing a colony in that country?

SIR G. GREY. — As I stated on a former occasion, an application for a charter has been made, but no definite arrangement has as yet been entered into, and the matter is still pending.

CANADA.

Mr. W. GLADSTONE.—Will the Honourable Baronet the Secretary for the Colonies inform the House whether there will be any objection to produce the correspondence between Sir J. Colborne and Colonel Eaton, as it is not to be found in the papers before the House?

SIR G. GREY. — I beg, in reply to the Honourable Gentleman, to state, that the Government can have no possible objection to the production of this correspondence; but on inquiry, I have ascertained that it is viewed by the War Office as a private communication, and that it is contrary to the practice of that office to make public the reports from military officers to the general commanding in this country.

ENGLISH PRISONERS IN PORTUGAL.

Mr. MACLEAN. — I beg to ask the Noble Lord the Secretary for Foreign Affairs whether he is able to give the House any information respecting the matter of the petition which has been presented praying for the interference of Government in the case of the Englishmen now imprisoned in Portugal?

VISCOUNT PALMERSTON. — I immediately, on receipt of the petition, sent it out to Lord Howard de Walden, the Queen's Minister at Lisbon, instructing him to inquire into the circumstances alleged. I have received the Noble Lord's answer, and I intend, shortly, to lay the papers on the Table of the House.

COURT OF SESSION (SCOTLAND) BILL.

On the motion of the LORD ADVOCATE, the House resolved itself into a committee on this Bill. Various clauses (with some verbal amendments) agreed to. House resumed: Bill to be reported on Monday next.

SHERIFFS' COURTS (SCOTLAND) BILL.

On the Order of the Day for the House resolving itself into committee on this Bill being read, —

CAPTAIN GORDON said: — Understanding that several alterations are to be made in this Bill by the Learned Lord, I would suggest that the Bill should now go through committee *pro formâ*, for the purpose of making those alterations; that the Bill should then be reprinted, and that time should be given to consider them, before we are called upon to decide on the various provisions of the Bill.

The LORD ADVOCATE. — I am anxious to proceed with the Bill with as little delay as possible; and as I believe the principle of the Bill is generally concurred in, I hope we shall be permitted to go into committee upon it at once.

Mr. GOULBURN. — I must say that I consider that the course proposed by my Honourable and Gallant Friend would be the most convenient one, more particularly as I understand the alterations proposed to be inserted are of importance.

The LORD ADVOCATE. — The alterations I propose will not in any way alter the nature of the Bill, and I think we had better have the opinions of Members upon the clauses as they stand, before any alterations are proposed.

An Honourable Member. — This Bill has produced great dissatisfaction among the persons more particularly interested, and many remonstrances have been made against it. I would, then, put it to the Learned Lord, whether it would not be better to adopt the suggestion that has been made to him?

The LORD ADVOCATE. — I cannot consent to postpone the committee on this Bill. Ample opportunity will be afforded for considering the alterations I propose to insert.

The House then resolved itself into a committee.

On Clause 1. being proposed, —" That so much of an Act passed in the 20th year of the reign of his Majesty King George II., for taking away and abolishing the heritable jurisdictions in Scotland, and for certain other purposes, as enacts that every sheriff-depute, and stewart-depute shall be and reside personally within his county, shire, or stewartry, during the space of four months at least in the year; and, also so much of the said Act as enacts a penalty upon being convicted of not so residing, shall be, and the same is hereby repealed; and that all laws, statutes, acts of sederunt, and usages, shall be, and the same are hereby repealed, in so far as they are inconsistent or at variance with the provisions of this Act; provided always that the same shall be in force in all other respects whatsosover," —

Mr. WALLACE said: — I object to this clause, but I approve of the Bill generally, and think that the country is deeply indebted to the Learned Lord who has brought it forward. As a whole, I highly approve of the measure, but there are some of its provisions to which I cannot give my consent. In the first place, by an Act which I hold in my hand, it is provided that sheriffs-depute should reside in their counties for the period of at least four months in each year; but by the present Bill it is provided, that that Act shall be repealed, and that the sheriffs, instead of residing for four months, shall hold eight courts within their respective counties in every year. It is also provided in the present Bill that the sheriffs shall personally attend to their duties, but those duties are not defined, and it is left to themselves (the sheriffs) to say what their duties are. I consider eight courts a-year too few. I would propose that they should go circuits two or three times a year through their several courts. By the Bill, as it is, I know that the duties of the sheriff will be a mere farce, they will go through a mummery, but will do no duty. I think, the duties of the sheriffs-depute ought to be defined, and the whole duty not left to the sheriffs-substitute. The Bill says, that the sheriffs of Edinburgh shall continue to be resident, whilst the others are not to be compelled to be resident in their several counties; and why is this difference made? As I understand, the duty of the sheriff-depute is, that he should form a Court of Appeal from the decisions of the sheriff-substitute. But how is this done? The sheriff-depute holds his court in Edinburgh, and the papers are sent to him in order that he may form his decisions. He does not sit in his own county, as he ought to do, and as he used to do in former times. I may be told, that the sheriffs have not practice enough in their own counties to keep up that knowledge of the law which is necessary; but I know one county in Scotland in which 6,362 cases came before one sheriff for decision. To these parts of the Bill I object, but I will cheerfully assist in carrying it through the House, as, with certain amendments, I consider it will be a great boon to Scotland.

Mr. CUTLAR FERGUSSON. — This is a question of the greatest importance to Scotland, and I feel indebted to the Learned Lord for the pains he has taken in forwarding this measure. By the present law of Scotland, the sheriffs depute are compelled to reside four months in every year within their respective counties; and the Lord Advocate proposes to repeal the clause of the Act containing this important provision. I cannot agree in the propriety of repealing the existing law in this respect, and I trust that the Learned Lord will reconsider the Bill, with a view of leaving out the first clause altogether. The sheriff, in Scotland, is almost important judge; he has a long jurisdiction, and decides most important causes. I can see no reason why the sheriff-substitute should not reside in the county where he holds his courts. I do not think there is any danger of his being prejudiced by local feelings. I admit that no other person should be appointed to this important situation, but such as are fully qualified for its duties. I do not, however, think that it is necessary that they should frequent the courts at Edinburgh, in order to hear what is going on there. This Bill, as a whole, will undoubtedly be of the greatest advantage to Scotland. The first clause does not appear to me to be consistent with it, and ope the Learned Lord will consent to its omission. I do not fear the influence of local prejudices upon the sheriff residing in his county; indeed, I think he is more likely to acquire bias by attending there only occasionally. I wish to see the sheriffs-depute residing more in their respective counties, and the whole business not left to the substitutes.

The LORD ADVOCATE. — I will offer a very few observations in answer to the Right Honourable Gentleman. In the first place, I would refer him to the Report of the Common Law Commissioners for Scotland, in which this clause is specially recommended. Now, I wish the House to know the nature of the system that now prevails in Scotland. The system is this: there are local sheriffs, one in each county, but the larger counties are divided into two or three districts, each of which has its sheriff. These have jurisdiction in criminal and civil cases, with certain reservations; and the object of this Bill is to extend their jurisdiction in some respects. It has been said that the sheriffs-depute ought to reside for a longer period in their respective counties; but I can inform the House that, with one exception, those sheriffs who reside constantly in their counties are not those who give the greatest satisfaction. It has been found that their experience of law wears out, and that local habits and prejudices too often prevail. Then, as the Act which compels a four months' residence is not enforced, the sheriffs, in many instances, do not now reside in their counties; but this Bill enforces the holding of at least eight courts in each year; and he is not prevented holding more if necessary. And it is further proposed, that each sheriff shall make a return to the Secretary of State, of the number of courts held, so that there will be a sufficient check on the conduct of the sheriffs. The sheriff-depute is, in all cases, responsible for the judgments of his substitute; and if there be dissatisfaction, on payment of the small fee of sixpence, the opinion of a competent lawyer is obtained, and an appeal effected. And I would ask my Right Honourable Friend, if he does not consider this an advantage of no slight importance? It is the general opinion of the lawyers of Scotland, that the sheriffs-depute ought not to reside constantly in their counties. I do not, therefore, feel myself justified in acceding to the request of my Right Honourable Friend.

Mr. C. FERGUSSON.—I never wished the sheriffs to reside constantly in their counties; I contended only that the law enforcing a four months' residence ought not to be repealed. I have no objection to their attending the law courts during term.

The ATTORNEY GENERAL. — It is my opinion, that the less the sheriffs reside in their respective counties the better, so long as their duties are efficiently performed. We should compel them to perform their duties effectually; but there is no necessity for a compulsory residence. Indeed, it is highly important that the sheriffs should be familiar, by actual observation, with the practice of the higher courts in Edinburgh, and hear the *viva voce* decisions of the judges pronounced. There can be no doubt that the knowledge of law, with lawyers, is liable to wear out, unless it is kept up by a combination of study and practice; and, without that knowledge, it is impossible that the sheriffs-depute can properly perform their duties.

SIR G. SINCLAIR. — I fully concur in the propriety of the clause as it stands in the Bill, and I must express gratitude to the Lord Advocate for the improvement which this measure will effect in the law of Scotland.

Mr. GILLON. — I will not enter into all the arguments which have been used by Honourable and Learned Gentlemen, but I really cannot understand how a man well versed in the law, should, by a residence in any particular place, become rusted in his knowledge, and incapable of discharging his duties. I know that, in my own county, the opinion of the sheriff-substitute will be taken with much satisfaction; and therefore I consider the appointment of the second officer wholly unnecessary. I have no objection to offer to the clause now under consideration; but, in the second clause, I shall move to insert a provision making it compulsory upon the sheriff to hold his courts once a month. With respect to residence, I can state, that the sheriff of Lanark, one of the most important counties in Scotland, is always within the county; he has not the opportunity of going to Edinburgh to refresh his legal knowledge, which the Learned Lord and the Honourable and Learned Attorney General have contended is so necessary for legal men.

Mr. HUME. — If non-residence is unnessary, how comes it that the sheriff of Lanark resides in his county? Is he less capable of performing his duties than the non-resident sheriffs? How is it that he can keep up his law while others cannot? Is not this system of non-residence contended for, in order to keep up a system of sinecures? Fourteen years ago I moved for a Return to show how little was done by the sheriffs of Scotland; perhaps, since that time, they may have done a little more, but it is quite time that they were made efficient public servants, instead of mere holders of sinecures. We have persons appointed as sheriffs, who, instead of performing the duties of that office, devote their time to making money by their practice in the courts. I say, we had better have a judge with less legal knowledge, who will devote his time to the duties of his office, than one of great legal knowledge, who neglects his duties for the practice of the courts.

The LORD ADVOCATE. — I have no difficulty in answering the case put, with regard to the exception of the sheriff of the county of Lanark. The principal city of that county (Glasgow) is second only to the metropolis of Scotland, and, from its commercial character, a great number of law cases necessarily arise, and the consequence is, that the sheriff is in constant employment, and his judgment and his law are kept up by the number of causes brought before him. I know of no other county, except Edinburgh, in which this is the case, or in which the number of causes to be tried would justify us in making the same exception. I wholly deny that the office of sheriff in Scotland is a sinecure; on the contrary, after thirty years' experience, with much practice, I can state, that no men are less sinecurists than those officers. Indeed, if there be any who are more so than others, it is those who reside in their counties; in all other cases, the duties of the sheriff are very severe. It should not be forgotten that, in all cases of difficulty, the judgment of the sheriff is obtained for a very small fee. It cannot be denied that this is a very great advantage. I will not say that cases may not be found in which sheriffs have neglected their duties; but I will say, that such cases are much more frequent among those who are resident than those who are not. I may add, that my opinion, as to the heavy and onerous duties attendant upon the office of sheriff-depute is fully confirmed by the Report of the Law Commissioners.

Mr. HUME. — Can there be any proof more strong as to these offices of sheriffs-depute being sinecures than the fact of non-residence? Take the case of the county of Perth: the sheriff of that county resides wholly at Edinburgh, and how can he give the advantage of his great legal acquirements to his county? I know they are all able and honourable men; but how can a person, residing at Edinburgh, decide upon a case occurring in Perth, without hearing the evidence? I say, if salary enough is not given, give them more, and let them reside. Let the people have the advantage of their time and talents. What is the use of the sheriff-depute, if the sheriff-substitute can do the business? Give one man the salary of both, and let one man do the duty; and if that is not enough, give him more. I do hope this clause will be reconsidered.

Mr. PRINGLE. — I must say, that I fully concur in the views of the Learned Lord; but I am not at all surprised at the objections that have been raised to non-residence, because I know that there is a general feeling in Scotland, that much benefit would be derived by compelling sheriffs to reside in their counties. But, Sir, this Bill does not compel non-residence, it merely relieves the sheriff from a forced residence during the greater part of the year. The Honourable Member for Kilkenny has said, that the office of sheriff depute is a sinecure. Now, the duties attendant upon that office are very onerous, the salary given is very moderate, certainly not sufficient to secure the whole attendance of a man of distinguished talents. The greatest part of the sheriff's duties is to determine cases of appeal sent to him by his deputy; and in doing so, he has the opportunity of consulting the most eminent lawyers on points of difficulty. Therefore, a great advantage is obtained by his residence near the courts, and his continuance in practice. I cannot conceive what would be derived from compelling the sheriffs to reside in their counties. The county of Lanark is an exception. There, there is much business to be done, and the sheriff is paid accordingly, and the practice he has enables him to keep up his legal knowledge. The sheriffs have, in all cases, performed their duties in the most satisfactory manner. I know of one instance, — the sheriff of the county of Sutherland, who was deriving a large income from his professional practice in the courts, sacrificed it in order properly to perform the duties of his office. I believe that the sheriffs, in all cases, will do their duty, and I should be sorry to see any important alteration in this Bill, which would mar their efficiency.

Mr. WALLACE. — I repeat, notwithstanding all that has been said, that the offices of sheriffs are complete sinecures, as I will prove before the committee for which it is my intention to move. I have been informed that the sheriffs are, of all other legal men, the least seen in Parliament House.

[Cries of "No, no!"]

I was so told: but of this I am certain — that if the salaries were 800*l*., instead of, as now, 400*l*. a-piece, every sheriff would do his own duty, and reside in his county. At present the whole system is most vicious. I firmly adhere to the opinions which I have already expressed on this subject, and I am determined to move for an inquiry into the office of sheriff-in-chief; and, if it is found that I am in the wrong, I will make any apology to the House for needlessly occupying its time.

Mr. FORBES. — It may be considered presumption in me to add my testimony to that of the Learned Lord, as to the efficiency of the sheriffs of Scotland. All the lawyers who have spoken upon this subject, except one, have agreed in the opinion that the sheriff ought not to reside in his county. I hold that opinion also; but I cannot avoid making some remarks as to what has fallen from the Honourable Member for Kilkenny. The Honourable Member has brought charges against the sheriffs of Scotland generally. I say the sheriffs are not sinecurists, but do their duty faithfully and with great ability. I would much rather hear some distinct charge, than these sweeping and general charges that are preferred without proof.

SIR G. SINCLAIR. — I hope the committee will not consent to abolish one of the most useful offices in Scotland, more especially as the office of sheriff-depute, instead of being a sinecure, has been filled by some of the most eminent judges of whom Scotland can boast, and who have thus served a kind of judicial apprenticeship.

Mr. GILLON. — I will say that in my own county the office of the sheriff is a sinecure. I make no charges against the individual. I know the sheriff would be perfectly willing to perform the duties if there were any. But I call the office a sinecure, because the person who fills it has nothing to do. The gentlemen who now serve the office of sheriff-substitute are all bred to the bar; and are quite as capable of forming an opinion as the sheriff himself. The sheriff-substitute, then, is merely a means of delay in the process of the law, standing in the way of the supreme judge. I should wish to see the salary of the deputy a little more augmented: they are really efficient officers, who do the duty, and ought to have the pay.

The LORD ADVOCATE. — I would not have addressed the House again, but that Honourable Gentlemen appear to consider that the sheriffs are sinecurists, because they do not reside in their counties. Now, I must tell those Honourable Gentlemen that they take a very imperfect view of the case. The sheriff, who gives his advice, and decides on appeal cases, has a very onerous and important duty to perform. It might with equal justice be said, that the judges who decide upon Appeals in the House of Lords do nothing, because they do not hear evidence. The appeal to the House of Lords, and the appeal to the sheriff in Scotland, are the same in principle; that is, an appeal to a superior from the judgment of an inferior court. The Honourable Member has referred to the sheriff of Perth, and says, that his office is a sinecure, because he resides in Edinburgh, while the causes are tried in Perth. Now, is it not a very great advantage to the people of Perth, their being able to obtain the opinion of an able and eminent lawyer for a very trifling consideration? The Honourable Member behind me (Mr. Gillon) has contended that the sheriff's deputy is quite equal to all the duties, and that the two offices ought to be merged into one. I, however, do not believe that the people of Scotland would be content to have either of these offices abolished. And I would ask any man, at all acquainted with the subject, whether it is not well known that a lawyer who is in the habit of attending the courts regularly will improve in his law every year, whilst a lawyer settled in the country will, to a certain extent, lose his legal knowledge? I am quite certain that by omitting this clause, we should rather injure than improve the Bill. I therefore cannot acquiesce in the suggestion that has been made.

The clause was then agreed to.

Clauses 2., 3., 4., and 5. were then put, and agreed to, with some verbal amendments.

Clause 6., postponed.

Clauses 7., 8., 9., 10., 11., 12., 13., and 14. were then put, and agreed to, with some verbal amendments.

Clause 15.

Upon the question being put, that this clause stand part of the Bill, —

CAPTAIN GORDON said: — I object to the alteration in the mode of practice, which this clause proposes to effect. I think we had much better adhere to the usual course; and I must, therefore, oppose the motion, "That this clause stand part of the Bill."

Mr. WALLACE. — I think there is no clause in this Bill more satisfactory than the one now under consideration; and I hope the Learned Lord will not consent to its withdrawal. Nothing can be more improper than that the superior courts should regulate the practice of the inferior courts, or that they should have any control over them.

Mr. FORBES. — I fully concur in the propriety of omitting this clause. It is most desirable that there should be a proper control vested in the superior courts, to regulate the proceedings in the inferior courts, from time to time, as circumstances may render necessary. The Courts of Session have the best opportunity of judging of the progress of business in the sheriffs' courts, and of the operation of the rules of practice, and are the best adapted to make such improvements as may be proper. It would be most undesirable to take that power out of their hands; and great inconvenience would result in consequence. I believe the commission which was appointed in 1828, among which were many of the most eminent lawyers of England and Scotland, the Chief Justices of the courts of Common Pleas and King's Bench, Mr. Justice Littledale, and others, all concurred that this was the most satisfactory mode of regulating the proceedings of these courts.

Mr. R. STEUART. — What is the motion?

Mr. PRINGLE. — That the clause be expunged.

The Committee divided on the question, "That this clause stand part of the Bill."

For the clause	. .	56
Against .	. . .	24
Majority		32

Some verbal amendments were then introduced, and the clause ordered to stand part of the Bill.

Clause 16. agreed to.

Clause 17. "Secretary of State to appoint commissioners."

Upon the question being put, that this clause stand part of the Bill, —

Mr. PRINGLE said: — I confess that I have some objection to the nomination of the commissioners by the Secretary of State. I think that power ought to be vested in the sheriff himself, and not in the Government. You permit the sheriff to nominate his substitute, and why should he not also nominate those persons who are to act as commissioners? The Secretary of State cannot possibly know the qualifications of the parties, and their fitness for the office, so well as the sheriff. It appears to me, also, that this power being vested in the hands of the Secretary of State, may give rise to political jobbing, which it would be better to avoid.

The LORD ADVOCATE. — I really cannot see the force of the objection which the Honourable Gentleman has urged. This clause has not been inserted without much consideration; and as I cannot conceive that any danger such as that which the Honourable Gentleman has imagined can possibly arise, I do not think I should be justified in consenting to withdraw it.

Mr. FORBES. — I decidedly object to the nature of this clause. It is an infringement of that part of the constitution of this country which prohibits the interference of the Crown with courts of justice. I am persuaded that this clause will give rise to political jobbing, and I shall certainly oppose it.

The LORD ADVOCATE. — The Honourable Member is not aware, perhaps, that there is no salary attached to the office of commissioner.

The committee divided: —

For the clause	. . .	51
Against it .	. . .	20
Majority .	. .	31

The remaining clauses were then agreed to, with some verbal amendments.

The House resumed: — Bill ordered to be reported on Monday next.

BENEFICES' PLURALITIES BILL.

LORD JOHN RUSSELL moved the Order of the Day for the second reading of this Bill.

Mr. HUME. — Although I do not intend to oppose the second reading, yet, when the Bill goes into committee, I shall object to several clauses, particularly the fourth and fifth; those giving the power to bishops to allow pluralities on reasons assigned; and also those enabling the bishops to appoint curates in any place they may think proper. I would suggest to the Noble Lord, this; if he do adopt a limit, let it be in amount; and I think all who wish to advance the improvement of the Church will agree with me, that the limit ought to be a pecuniary one. I should say *500l.* a-year as the maximum. The bishops would not then have the opportunity of giving all the good things to their favourites, and leaving those who have no interest the little pickings. Many parts of this Bill are very good, but there are others that entirely counteract its benefits. For myself, I will always oppose the system of pluralities, which I had hoped would long since have been abolished.

SIR R. INGLIS. — In one respect I shall follow the example of the Honourable Member for Kilkenny, and refrain from entering into discussion of the various provisions of this Bill. My objections are objections of detail, and not of principle, and can, therefore, be considered in committee. I rise, principally, to say to the Noble Lord, that a very unfair impression has gone forth to the world as to the state of the Church at this time. Any person may see that there was an impression on the mind of the framer of this Bill that the evils of non-residence were extraordinarily great. Now, I by no means agree in that opinion. In all legislation upon this subject, I hope the House will do the Church the justice to remember, that thanks to her own energies alone, within the last twenty years, — I mean from the year 1819 up to the present time, — there has been a greater number of clergymen admitted than during any similar period previous to that time; and that at this moment there is a greater number of clergymen residing on their own cures than at any former period. This Bill never can have an *ex post facto* operation, because I am sure it cannot be the object of any party to inflict injustice, and there are many cases in which family livings are held in trust for the support of children, in which the Bill, as it now stands, would operate very injuriously. You may provide against future cases, but do not make your Bill operate as an *ex post facto* law. Although I consent to the second reading of this Bill, I must at the same time protest generally against the assumption on the part of Parliament to make a repartition of property which never belonged to, and never received grants from, the State.

LORD J. RUSSELL.—As no objection has been raised to the principle of this Bill, and as both the Honourable Member for Kilkenny and the Honourable Baronet the Member for the University of Oxford have abstained from entering into detail, it is not for me to detain the House by adducing any arguments in support of its second reading; and I hope the nature of the objections entertained to the provisions of the Bill will afford no great impediment to its passing. The Honourable Member for Kilkenny has raised the general question of pluralities. Now I do not think that that is consistent, because in some cases pluralities may be necessary. I apprehend it will be perfectly open to the Honourable Member to move the restriction of any clergyman's income to a fixed sum. The Honourable Baronet the Member for the University of Oxford has said that no provision has been made for the Church by the State, but he must have forgotten Queen Anne's bounty, which conferred a very great improvement upon the Church; and my opinion is, that if that fund had been administered with better judgment, there would not now be so many inadequately provided livings. With respect to the limit of 500*l.* a-year, which the Honourable Member for Kilkenny has suggested, it is, like all limits in money, liable to this objection, that whatever may be the limit it will give dissatisfaction to those persons who will be excluded by their holding a living of 1*l.* a-year over the limit. It may, however, be a question, whether it would not be proper to limit the value of any two livings which may be held by one person to a certain sum. The Honourable Baronet the Member for Oxford University has said, what I am quite prepared to admit, that more clergymen are now resident on their cures than in former times, and that we have not to reproach the Church with negligence of the duty of residence; but still the Honourable Baronet must agree with me, that much still remains to be done, and not a little, in providing proper places of residence; and I think if you were to provide proper houses for them, you would not find the clergy at all averse to residence. On a future occasion I shall have to ask permission of the House to introduce a Bill, by which a sum of 1200*l.* or 1300*l.* a-year will be devoted to the support of religious institutions and instruction in parishes where the sums now devoted to those purposes are too small. I intend to propose, also, some means of increasing the value of small livings from the fund set apart for that purpose; and I trust the Honourable Member for the University of Oxford will give us his support in our endeavours to effect that object; and that he will be disposed to acquiesce in such an improved administration of the fund as will enable us to make better provision for the spiritual services of the Church. I will now state, although a matter not strictly relevant to the present subject of debate, that I intend to introduce a Bill to carry into effect, with some modifications, the Fourth Report of the Ecclesiastical Commissioners. Those modifications will consist of the amendments suggested in the draft of the Fifth Report, and also some alterations for which the Government will consider themselves responsible; that whereas in the Report of the Commissioners there is no limit placed to the incomes of deans and canons, I shall propose that in no case shall a dean's income exceed 2000*l.* a-year, or a canon's exceed 1000*l.*; and I trust that in this also I may venture to hope for the sanction and support of the Honourable Baronet.

SIR R. H. INGLIS.—The Noble Lord has indulged in too sanguine a hope as to my support to his proposed measures. I shall certainly give them my most decided opposition, because I consider them most vicious in principle and injurious in their tendency, and I trust that there will be such an exhibition of feeling both within this House and out of doors as to prevent those measures from passing beyond their first stage. The Noble Lord has taken credit for what was done for the Church by the Parliament in the case of the Queen Anne's Bounty; but was not that fund originally Church property? Besides, that act was the act of the Crown, and not of the Parliament.

The property had been taken from the Church and appropriated by the Crown in the first place. It was an act of spoliation in the first place, and from motives of conscience, as I believe, it was referred back to the Church from whence it had been taken. I acknowledge that the Church Building Act has been beneficial to the Church, but that is all that has been done for her by the Parliament. The Noble Lord must not deceive himself — I know he would not attempt to deceive the House — but he should be aware that the Church was endowed through the piety and religious zeal of the ancestors of Noble Lords and of Honourable Gentlemen who now hear me, and was never indebted to the Parliament for any public grants for that purpose.

Mr. HUME. — The Honourable Baronet must permit me to remind him that 1,000,000*l.* sterling was granted by the Parliament in aid of the Queen Anne's Bounty, and 1,500,000*l.* for the purpose of building churches.

Mr. HAWES. — I protest against the principle of this Bill altogether. The whole system of pluralities is bad, and ought to be put an end to; and I shall certainly give my most decided opposition to that clause in the Bill which permits one individual to hold two livings. Then, in the present Bill, there is an absence of all provision for ecclesiastical districts which will hereafter be erected into parishes; there is no proper distribution of the church property of the present parishes for those districts which now form a part of such parishes, but which will hereafter become parishes of themselves. In the district in which I reside there was formerly but one parish; there are now five. At present the rector of the old parish claims a certain portion of all the fees received by the new parishes, from burials, vaults, and a certain part of the pew rents. There is no leet house provided for the minister of these new parishes; the living is perhaps 300*l.* or 400*l.* a-year, out of which the rector, who does no duty, takes, perhaps, as much as 200*l.* Now, for such cases this Bill makes no provision. I repeat, that to the whole principle of the Bill I entertain the most decided objections. To the clause to which I have alluded I shall in committee propose an amendment.

LORD JOHN RUSSELL. — The subject to which the Honourable Member s more particularly referred comes rather under the Church Building Act than any other.

Mr. HAWES. — It has been brought under the notice of the Commissioners appointed under that Act, but they entertain a different opinion.

The Bill was then read a second time, and ordered to be committed for Monday, the 19th of February.

MUNICIPAL CORPORATIONS (IRELAND) BILL.

LORD JOHN RUSSELL. — If there is no objection, I will now move the second reading of the Irish Municipal Corporations Bill. If, however, it is intended by Honourable Gentlemen opposite to oppose the Bill at this stage, I will defer taking the second reading for the present.

Upon the question being put, that this Bill be now read a second time, —

SIR R. H. INGLIS said: — On every former occasion I have at this particular stage of the Municipal Bill met it with a decided negative. I will not detain the House by dividing against it on the present occasion, unless I am supported by my Honourable Friends around me; and having stated my opinions already with regard to the principles of this measure, I will now occupy the time of the House but for a very brief period. I never yet understood the grounds on which, having opposed the English Bill at this stage, we should not also oppose the Irish upon the same grounds. It may be said that, as a matter of course, having destroyed the late existing corporations of England, we have established a principle which we cannot resist in the case of Ireland. Now, to that proceeding I was no party, and I entirely dispute the force of the precedent. I resist the principle altogether; I say that Parliament's having committed a gross outrage on the law of the land and the constitution in one instance, is no reason why a similar outrage should be committed in another. I have never heard it satisfactorily stated, that the ordinary remedies in such cases, — those remedies which were, up to the last five years, invariably applied to correct abuses that might creep into the management of corporations, — are not sufficient to correct any evils that may exist at the present moment. In the case of the corporation of Sligo, complaint was made of misgovernment, and redress was afforded; and in numerous other instances local grievances have been remedied by local Acts of Parliament. I believe I may say that not one tenth of the Members of the House are cognisant of the facts of the case, or have read the Reports of the commissioners on which this measure is founded; and if there were three times as many Members present as there are, — if all those who had not read these Reports were to leave the House, it would be found that too few would be left to form the requisite number for carrying on the discussion. We are, then, legislating in a state of ignorance, which would prevent us from doing so in any individual case. I believe no Honourable Member would consent to deprive any individual or single corporation of their rights, without further evidence and knowledge of the nature of the existing rights than is possessed by the majority of the House in this case. I believe no Member would decide upon a private Bill without some confirmation as to the facts and merits of the case; and here, where the whole number of the existing corporations of Ireland are concerned, the mere statement that these corporations are corrupt and inadequate to the wants of the times, — without considering whether the Court of Chancery has not ample powers to remedy any maladministration of funds, and whether any other evils might not be corrected by local Acts of Parliament,—on this ground, without looking at the sufficiency of the existing and constitutional remedies, you, the Legislature, say, that having destroyed the corporations in England, we are justified in following out the same principle with regard to Ireland. The opposition which I now give to the proposed measure is not that which I should give if you had already effected the destruction of the existing corporations. I do not wish those corporations to be destroyed, for I contend that any of the evils which have been complained of may be fully remedied by the existing laws. The commissioners do not deny this in their Report; but they say the process is too expensive. Now, I regret the expense as much as any man; but if the remedies are, as stated in the Report, too expensive, let the Legislature reduce the expense, but let them not annihilate the corporations, for annihilation it will be, the name alone remaining, the whole character being essentially changed. The great grievance put forward was the exclusion of Roman Catholics from these bodies; but by the Act of 1829 that disqualification was removed. I do not say whether that alteration has been followed by good or bad results — at all events, there is now no longer any impediment to the admission of Roman Catholics as members of those corporate bodies. The impediment which the law set in the way is now removed; whether it is so, practically, or not, is a question with which this House has not to do. I apprehend, Sir, that that evil, it it be one, may be remedied by some different process than that proposed in this Bill. I, Sir, regard this Bill as one of the many modes by which this House has endeavoured to diminish the efficacy of Protestantism in Ireland, and to break down those religious institutions by which the connection between the two countries has been, hitherto, maintained, and without which it is my firm belief that no such union could continue to exist. These, Sir, are the grounds upon which I object to this Bill.

Mr. SHAW. — If the Noble Lord means, — as I understood him to intimate, — should this Bill be allowed to pass through this stage without opposition,—if he intends to name another day for the discussion of its principle, I shall throw no impediment in the way of the second reading, but will defer expressing my opinion till a future stage; and as I know, on the former occasions on which this Bill was brought forward, the discussion was not taken on the second reading, I am willing, without committing myself in any way to the principle of the Bill, to acquiesce in the Noble Lord's proposition. I hope, however, if it is to be put off, the Noble Lord will defer it till after the committee on the Poor Law Bill, with which I think it is connected? The Irish Poor Law Bill ought to have the precedence.

LORD JOHN RUSSELL. — I have no objection to the course suggested by the Right Honourable Gentleman. I intend to take the committee on the Poor Law Bill first. I cannot now say exactly when the discussion upon this Bill will take place; but after the Poor Law Bill shall have passed through committee, I will name a day for the purpose.

SIR R. INGLIS. — I will not divide against the second reading after what has been said by my Right Honourable Friend the Member for the University of Dublin.

The Bill was then read a second time, and committed for Monday, the 19th of February.

CONTROVERTED ELECTION FEES COMMITTEE.

On the motion of Mr. HUME, order for the further consideration of Report read. Table of fees of 22d February, 1731, and 4th April, 1803, also read.

Mr. HUME.—I shall have occasion to detain the House but a very short time in moving resolutions founded upon the Report I hold in my hand, and to which, and the evidence printed with it, I would particularly direct the attention of Honourable Members. It will be seen that the committee came to an unanimous decision upon the subject, for although there were various opinions as to the remedy, all were agreed as to the existence of the evil and the necessity of applying some remedy. The committee endeavoured to follow out the principle acted upon by the Government. The object which the committee had in view was to ascertain what fees were exacted for the performance of duties which appertained to the public service, and for the performance of duties appertaining to private and individual service; and considering it to be the duty of this House to protect its own Members, they concluded, after the most mature consideration, that all fees charged with reference to Members seeking their seats, and defending them, were, strictly speaking, of a public nature. They, therefore, came to the unanimous resolution to recommend to the House to abolish those fees, and to look on the Members of this House in the same light with other public servants. From the evidence which was adduced before the committee, it appears that in the case of the Dublin Election Committee, the fees alone amounted to 1050*l*., in the Ipswich, 782*l*., in the Hertford, 800*l*., in the Longford, 447*l*., in the Carlow, 781*l*., the average being between one seventh and one eighth of the whole expense of the Election Committee. I therefore propose, with a view to the further consideration of the subject, to submit to the House certain resolutions, in drawing up which I have had the assistance of the officers of the House. The first is, "That all fees chargeable in controverted elections be abolished, in so far as they have reference to the public service;" and the second, "That the charge for copies of evidence and documents, furnished to either of the parties, be reduced from 1*s*. to 4*d*. per folio of 72 words." This latter resolution has reference as well to the general charges as those which are made in respect of the short-hand writer's notes of evidence; and I think that on my stating to the House the practice which exists with regard to those notes, the expediency of some alteration in it will be at once seen. The party requiring a copy is charged at the rate of 1*s*. per folio for the evidence, although the short-hand writer is employed by the House, and the evidence becomes the property of the House; and although the price paid by the House for such copies, is only 2*d*. per folio; 10*d*. per folio being thus put into the pocket of the House. The reason for the reduction not being made to the full extent is, that there were certain items which are demandable, and it is advisable, therefore, to protect the House against any loss.

I will now submit my first resolution, namely,—"That all fees payable by parties, upon proceedings before this House, in respect of controverted election petitions, and before committees appointed to try and determine the merits of such petitions, charged according to the Table of Fees of the 22d February, 1731, and, also, according to the Table of Fees of the 4th of April, 1803, be abolished.

The resolution was then put, and agreed to.

Mr. HUME.—My next resolution is, —"That the charge for office copies of papers and documents relating to controverted election petitions, directed to be lodged in the office of the Clerk of this House, or which may be produced before Controverted Election Committees, and also of Minutes of Evidence taken before such committees, furnished to parties upon their application for the same, be at the rate of 4*d*. per sheet of seventy-two words in each sheet.

This resolution was also put, and agreed to.

Mr. HUME.—My next resolution has reference to the fees paid to the Masters in Chancery, who are appointed to take recognisances. They receive three guineas for each case—and sometimes there are as many as eight, ten, or even twenty cases in one day, and at one sitting. Since the passing of the Act of Parliament appointing the Masters in Chancery to perform this duty, a fixed salary has been allowed them of 2500*l*. a-year for their public services; but they still continue to receive these fees on election recognisances, in addition to their salary as Masters in Chancery. It has been a matter of doubt with many persons, whether this salary was not intended as a recompence for the whole of their public duties. That question has never been decided, but I find they receive no fees for their attendance in the House of Lords, and I think it ought to be considered whether they are entitled to receive fees for their services in the House of Commons. I would suggest that you, Mr. Speaker, should revise these fees, and report to the House such regulations as you may think ought to be carried into effect. A committee might be appointed to consider and determine upon this subject; but upon the whole, I think, if you, Sir, have no objection to undertake the task, it would be much better to leave the matter in your hands. My resolution is as follows,—"That it is the opinion of this House that the rules and rates of charges for the duties of examiners and clerks in respect to the entering into recognisances by parties petitioning this House on controverted elections, and the taxing of costs of such elections, should be revised.

Upon the question being put,—

Mr. HUME said:—My wish is, merely, to pledge the House that a revision of these fees shall take place, according to the recommendation of the committee. It is, then, for the House to consider whether it shall be done, or whether you, Sir, will undertake the duty, for which, I apprehend you will have sufficient time between this and the next Session.

The SPEAKER.—It is not for me to say what course the House should adopt in this matter; but I would suggest to the Honourable Member, and to the House, that I should hardly be justified in interfering to the extent proposed. With respect to the fees which are paid to the Masters in Chancery, that certainly would be a fitter subject for the House to inquire into than for me. It may be very proper that your Speaker should revise any table of fees submitted to him, but when such large questions are devolved upon the Speaker as the Honourable Member for Kilkenny has proposed, it appears to me to be more than he would be justified in undertaking.

LORD JOHN RUSSELL.—I think the Honourable Member for Kilkenny is asking too much when he requires the House to pledge itself on a matter requiring much consideration, without previous notice. I would suggest to the Honourable Member that he should postpone this resolution till a future day, giving the House an opportunity of considering it.

Mr. HUME.—I wish to do nothing that is contrary to the wish of the House; I am only anxious to pledge the House to carry out the recommendation of the committee.

Mr. W. S. O'BRIEN.—This matter stands separate from the others. The fees we have determined to abolish are those comprised in the table of 1731. Those to which the present resolution refers, are of a much later date, some of them, I believe, being charged without any authority whatever. But, inasmuch as the recognisances have been entered up in all election petitions for the present Session, and the fees paid, I think my Honourable Friend (Mr. Hume) would do better to adopt the suggestion of the Noble Lord, and postpone this resolution. At the same time, I think that persons unjustly excluded from sitting in this House, ought not to be prevented from prosecuting their just claims by the enormous fees that, under the present regulations, are demanded of them. Honourable Gentlemen sit here for the public benefit, not for their own; and it was on this ground that the committee made the recommendation which is contained in their Report, the principle of which, I trust, will be carried into effect.

Mr. WARBURTON.—The Honourable Member for Kilkenny ought to inform us how he proposes to carry his object into effect. The committee that sat upon this subject recommended the appointment of a select committee. Now the motion of the Honourable Member for Kilkenny does not propose this. I hope, however, that he will follow up that motion by another for the appointment of a select committee, for that is, in my opinion, the only mode by which the end he has in view can be arrived at.

Mr. R. GORDON.—As the Honourable Member's resolution cannot have any reference to the election petitions of the present Session, I think, therefore, the resolution had better be postponed to another day, and printed for circulation. Honourable Members will then have an opportunity of giving the matter some consideration.

Mr. JERVIS.—The House has already had abundance of opportunity for considering this matter. The Report of the committee has been on the Table of the House nearly a month, and we are not to suppose that it has not been read by Honourable Members. We have now time enough to discuss the subject fully, and if we postpone it, we shall have so much business before us that it will be impossible to give this subject its due share of consideration. The question is, shall we confirm the principle of this Report, or shall we continue to pay fees to public officers for the performance of that duty for which they receive a fixed salary?

Mr. HUME. — If the Noble Lord will allow the opinion of the committee to be confirmed, we will take time to consider of the manner in which it should be carried out.

LORD JOHN RUSSELL. — I objected to the resolution on account of the proposition that the Speaker should inquire into the fees which are paid to the Masters in Chancery, — a matter which I consider is not at all within his province, although, perhaps, those which are paid to the officers of the House would be proper to be considered by him. The resolution, besides, if it were passed, would bind the House to a matter without any means being pointed out by which the evil complained of could be remedied. I think it would be better to postpone it.

Mr. HUME. — There can be no harm in agreeing to this resolution, — it only binds to the recommendation of the committee.

Mr. C. POULETT THOMSON. — The Honourable Member for Kilkenny, if the resolution were adopted, could not advance a single step; but it only binds the House to a point which must afterwards be inquired into by a committee. That being the case, would it not be better to defer the whole subject until the Honourable Member makes a motion for the appointment of such committee? The House could then act on their Report; but, by consenting to this resolution, the House binds itself to something — it does not know what.

Mr. HUME. — I will not oppose myself to the wish of the House. I will withdraw the resolution.

The motion was then, by leave, withdrawn.

SHIPS' MORTGAGES BILL.

Mr. G. F. YOUNG presented a petition from shipping tradesmen, and others, of London, in favour of this Bill. — Ordered to lie on the Table.

The Order for the second reading of this Bill having been read, —

Mr. G. F. YOUNG said: — I assure the House, that never, since I have had the honour of a seat in it, have I taken part in the conduct of any measure in which I have been more justified by the full concurrence of the whole interests involved in it than in this Bill. In proportion to that confidence, the House will believe me, is the disappointment that I feel at finding that I am to be met now, at the eleventh hour, by the opposition of the Honourable Members for Sunderland and South Shields. Though it places me in some embarrassment, I do not complain of their opposition, but I assure those Honourable Members and the House that I never would have brought forward this Bill, had I not supposed that it would meet with general support. But without further referring to those Honourable Gentlemen, I must say that I have been treated somewhat ungenerously, if not ungraciously, by the other side. I brought in this Bill in the course of the last Session: I did not hurry the second reading, but I took care to have it printed and circulated throughout the country. It was sent to all the ports in the kingdom, and no objection was made to it. This Session I have brought the Bill forward again, and I find that I have to encounter a powerful opposition. I stand committed to the measure, otherwise I would not proceed with it. The enactments of the Bill meet with two classes of objectors of a different character: one thinks it goes too far, and fetters the owners of ships in the hypothecation of their property; the other class thinks it does not go far enough, and that it ought to prevent the owner of a ship from mortgaging the ship at all. This is a proof that I have steered between two extremes. Up to the year 1825, I know of no means by which money could be obtained on the security of ships, without the party being responsible for the payment of the debts of the ship: he was obliged to place his name on the register, which made him responsible. Many cases of hardship arose from the practice, and upon the difficulties being represented to Mr. Huskisson, in 1825, he passed a Bill, at the solicitation of persons in the shipping interest, establishing the law as it at present exists. This was considered a boon to the shipowner, that he was permitted to raise money by mortgaging his ship. Now, I know, on the best authority, — on the authority of some of those persons who recommended this scheme to Mr. Huskisson, — that the alteration has done evil rather than good, and that great frauds have been committed upon the tradesmen under the present law. I know an instance of a captain who was indebted to his shipowner. The shipowner sold him the ship, which the captain mortgaged back to him; the captain appearing on the register as the sole owner of the vessel, obtained credit for repairs and stores to the amount of several thousand pounds; the vessel lay in the docks two months; the captain went into the *Gazette;* the mortgagee took the vessel, and the tradesmen lost their money. Another case, — a man bought an old hulk; he fitted her up, went into the most reckless speculations; the ship returned from her voyage, and was sold for the amount for which she was mortgaged; the tradesmen who had given credit being defrauded. In the year 1833 a committee sat to inquire into our commercial marine, and I find that Mr. Woolcombe, who was examined before that committee,—a gentleman who had had much experience in cases of shipping mortgages, — fully confirms my views. He states, "that it is the practice for persons to fit out vessels for the purpose of being protested, and that he does not know an exception to the rule in which the mortgagee has complied with the engagements of the owner. The witness was then asked whether it was not usually the case that the mortgagee takes possession of the ship? He answers, it is." The opinion, then, seemed to prevail in 1833 that mortgages on ships were not made by persons labouring under temporary embarrassments, but by persons without capital, as a means for obtaining credit as shipowners, and of incurring debts without any prospect of discharging them. This opinion is also confirmed by the Shipowners' Society, in their Report of 1836.

I am sure that if my Honourable Friend the Member for the Tower Hamlets had been here, he could have satisfied the House on this subject. My Honourable Friend was very anxious that the law of this country should be assimilated to that of Holland. But I confess that so to assimilate the two laws was a task from which I shrunk. I know that if any body could do so with effect it would be my Honourable Friend, and he would have proved that the tradesmen and others who have furnished her supplies should have a preferable claim on the ship. I think, if any one could do so, my Honourable Friend would have satisfied the House on this point. I have had many communications with the country, unsought and unsolicited on my part; whilst from those to whose opinions I had looked with the utmost confidence, and to whose communications I should have paid the most profound attention, — from none of these have I reaped any information, or received the least encouragement. In 1836 a committee of shipowners disapproved of the Registry Act as leading to fraud; and, in 1837, the same committee stated in their Report that I had obtained leave to introduce a Bill for the purpose of modifying the Registry Act, and thus checking the system of fraud which existed. It is not, therefore, a shipowners' question; for those parties feel that the mortgagees in too many cases act improperly, and are anxious to check the evil which prevailed. The present system is, in fact, injurious to the interests of the shipowners; for, in foreign countries, an opinion prevails that the shipowners of this country are not to be trusted, and when captains of vessels offer bills for provisions and ships' stores, they are refused; and the foreign merchants providing the stores, instead of accepting those bills, will take nothing but a bottomry bond. That is the effect of the present system of mortgages, and it must be obvious that such results must create the greatest inconvenience. I think, therefore, that the opposition I am now to encounter is unfair.

I have no personal motives in bringing forward the Bill, and I would not have introduced it if I had not been led to believe by the shipowners that such a measure would prove beneficial to their interests. I still think that the Bill will prove advantageous to shipowners, and that those who now oppose me take an erroneous view of the measure. One objection which has been raised to the Bill is the unpleasant publicity to which the shipowner will be subjected in effecting a mortgage. Under the present system, however, it is well known that the mortgage is not valid unless it is recorded at the Custom House, and that, too, with the greatest publicity, and all tradesmen, and every person interested, may go to the Custom House and examine the record. There is, therefore, the most perfect publicity under the present system. What, then, is the provision of the present Bill? It is proposed that, previous to effecting a mortgage, thirty days' notice shall be given, and all persons having claims upon the vessel are to lodge those claims with the registrar, and when so lodged, the parties are to have a preferable lien. The effect of this would be to prevent all those fraudulent proceedings which have been so much complained of, and which have proved so injurious to tradesmen. I cannot imagine how any objection should be offered to such a plan. Acts of mortgage do not require to be executed rapidly, and it is quite clear that under the old system justice was defeated. Nor is there any thing novel in the course of proceeding I propose; for under the old maritime law those who supplied the ship had a preferable lien. I see a Noble Lord opposite who can always find time to give his attention to any question propounded by any Irish Member; perhaps I may find a supporter in him on the present occasion. I have letters, in which some of the principal merchants in Dublin (and they are really the parties most interested in the measure) suggest to me that it is a defect in this Bill that Ireland is not included within its operation. I thought we had provided for this by leaving the terms of that description, that they would include the United Kingdom; but it seems that it is requisite that Ireland should be specifically mentioned. The same wish has been expressed in regard to Scotland, which I think I have also included by the expression I have used. If, however, I find myself in error in this particular, I shall take an opportunity afterwards to extend the provisions of the Bill both to Ireland and Scotland.

I think I have now said enough to prove to the House, that I have not introduced this Bill from any overweening attachment to my own opinion. I trust that I have made out a case for legislative interference, which, of course, however, is open to fair legal objection. I should not have brought forward this measure, I can assure the House, if I had not anticipated that it would be certain to receive from those, for whose advantage it is evident to me that it will operate, that support upon which, indeed, so far from being justified in calculating, it now appears that I am to look for their decided hostility. And yet this measure has for its object to terminate a system of fraud, which all of them allow has existed too long. The House has now the Bill before it; and I shall content myself with thinking that, in submitting it to them, I have only discharged that which I conceive to me my duty. In setting out the grounds on which the measure is founded, I have anxiously endeavoured to avoid technical details; for I well know how unpalatable they are to the generality of the House. But if the House shall be pleased to entertain the question of proceeding or not to a further stage with this measure, I shall be prepared to bow with all deference to the opinion which a majority may so express; and, most assuredly, shall with great willingness defer to the deliberate judgment of those whom I know to be prepared to state their opinions on this important subject. I shall sit down in the consciousness that I have done my duty to my own constituents, and to the general body of the shipowners of the country.

Mr. ALDERMAN THOMPSON.—I can assure my Honourable Friend the Member for Tynemouth, that I experience great regret in stating, that I cannot go along with him in this measure, or in his adherence to that course which he has laid down, and of which he has so earnestly pressed upon the House the adoption. At the same time, I think I am not amenable to the censure he has cast upon me, with others, for having come forward, as he says, at the eleventh hour, in opposition to his present Bill. When the Honourable Member brought forward this Bill in the last Session of Parliament, I explained to the Honourable Member that I entertained strong doubts as to its operation; and when it was introduced this year, I stated distinctly that I would not pledge myself to support it. It is hardly necessary for me to state what I feel on this subject, because the House must be now supposed to be acquainted with the vast importance of the matter, seeing that the registration of British shipping, which this Bill of the Honourable Member for Tynemouth proposes to modify, is a most important feature. It will be recollected, that the Bill which was introduced in 1825, together with other measures, by a committee (I mean the Committee on Free Trade), came recommended, and was introduced by a committee composed of the principal merchants of the empire; and, probably, on that account it passed through this House with scarcely any sort of observation whatever. That clause, which was the principal clause of the Bill, namely, that which enabled the owners of ships and merchandise to raise money on these, as well as on any other description of property whatever, had not only the recommendation of that very important committee, but also the strongly expressed sanction of the late Lord Tenterden, in its favour. Up to that period, it had long been a question whether the mortgagee of a ship was in the same situation as any other mortgagee; whether he had the same interest, in point of degree, as any other description of mortgagee had, in property mortgaged to him? The question was much mooted, as to what constituted a mortgage; whether the masts, standing rigging, and other furniture and tackle of the ship, were hypothecated in the general term "mortgage." It was much doubted whether the security, under such a deed, as applicable to such property, was equal to that of a mortgage at common law: it was, therefore, proposed by the clause I am now speaking of in such former Bill, that where owners of ships took up moneys on security of this nature, the mortgages, as in the case of mortgages of land or other property, should be registered, such registry to be at the port from which the vessel, the subject of the mortgage, should sail, and also at the Custom House in London; and the books in which those registries were entered, — in order that it might be known whether upon this or that ship one or more mortgages had been granted, and to what extent, — were to remain open to the shipowners, their solicitors, or other parties interested in making such investigation. What is the alteration now proposed by the Honourable Member for Tynemouth? This; that instead of an owner of a ship being in a position to raise a little money when his necessities require it on his ship, he must, under the present Bill, give thirty days' notice of such intended mortgage; and if that mortgage is to be effected at a distance from the metropolis, the officer receiving the notice is to transmit a copy to London; and if any tradesman shall thereupon give notice of a claim for supplies to the vessel, that tradesman shall have a preferable lien, — shall have a priority over every other creditor. Now, I ask whether there is anything in the nature of shipping property, which should give to those parties that sort of preference? There is no other species of property subject to the same process.

My Honourable Friend, in the course of his speech, has opposed the institution of any analogy between the cases of mortgages on real property and those on shipping. But I should like to know whether, if it were possible to institute a careful comparison between the two classes of mortgages, he would not find that, considering the immense value of shipping property in this country, there was as little a proportion of it subject to mortgage as of any other description of property in this empire; and, also, that in every other description of mortgaged property in the kingdom, instances of fraud did occasionally occur as gross as the two cases which he has particularised, in reference to the objects of his Bill. Why, then, is the shipowner to be placed in a worse situation than any other individual who raises money on any other description of property? Why is this order or enactment to be introduced, for the purpose of establishing so invidious a distinction in his case? Here is a general law, the effect of which will be, if I understand the Bill, to recognise this exception, and to prejudice the rights of this property, as compared with those of any other sort of property. This is a principle which I take to be neither fair nor just to the shipowners. However wealthy a shipowner may be, every gentleman acquainted with these subjects must know, that vicissitudes of various kinds may sometimes occur, to make it absolutely necessary for him to raise money upon his shipping property. Suppose he has a vessel coming from Ireland, which happens to be wrecked in the Bay of Dublin; or that he is expecting a ship from the East Indies, which gets ashore on the Goodwin Sands; more or less of the hull and cargo, through the exertions of the people on the coast, are saved under circumstances of greater or less peril, and in respect of which is the ratio of their demands. These parties — the salvors — call on the magistrates to award them salvage; salvage is awarded accordingly; and, by the law of the land, thirty days are given as the period within which the amount of that award must be paid. Now, what would be the situation of the shipowner were we to pass the Bill now before us? Here is a law already in existence, requiring him, under such circumstances as I have mentioned, to pay salvage awarded against him in thirty days after the date of the award. Now, my Honourable Friend would put another Act upon the statute book, prohibiting him from raising the means of paying salvage or other accidental charges by mortgage, unless upon a notice of his intention to do so, recorded at least thirty days prior to raising the money. Suppose the case of any other property which was mortgaged, and that all the sum raised has been appropriated to the making of repairs, or the erection of new buildings on the estate. Is it meant to be said, that the claims of the tradesmen whose demands might remain unsatisfied shall take priority of the interest of the mortgagee? My Honourable Friend has alluded to an extract from the evidence taken before the committee of 1832: but the principle upon which that committee considered that the law of mortgages should rest, was manifestly different from that upon which my Honourable Friend is now proceeding. I contend, however, that this Bill is altogether absurd and inefficient; for while it prevents a shipowner from mortgaging his vessel, by restrictions so vexatious that they amount to a prohibition, it contains no sort of provision whatever to prevent the party from selling his ship outright, and thus defrauding those whom it is sought by this measure to protect. In short, my Honourable Friend, in endeavouring to effect one object, has gone so far that it is not in his power, it should seem, to go far enough in accomplishing another. For all these reasons, I shall feel it my painful duty to move that the Bill be read a second time this day six months.

Mr. AARON CHAPMAN. — I am anxious to explain, in a few words, my opinions upon the Bill before us. I beg to premise, that I have no other interest in it but that which results from my connection with the shipping interest. With that interest I have been nearly connected for a period longer, perhaps, than any other Honourable Member of this House. Two years ago I prepared, and laid upon the table of this House, a Bill to render the mortgagees of any ship subject to the same liabilities as those which attach to the mortgagees of any other species of property. At the request of the Right Honourable the President of the Board of Trade, I handed over the cognisance of this measure to my Honourable Friend the Member for Tynemouth, who, as Chairman of the Shipowners' Society, was more likely, perhaps, than any other man to do justice to its provisions, and to induce the House to concur in an object which, I believe, was common to us both. But this Bill does that, moreover, which, I think, every Honourable Gentleman will agree with me in thinking to be of great importance, for it establishes, as to shipping, a system of registration, of liabilities, similar to that which exists with reference to every description of landed property in the county of York; the alleged inconvenience of which has never, that I know of, by those practically acquainted with the subject, been complained of. The tradesman calls for the adoption of some system of protection, because, he tells you, under your present law of ship mortgages, though he may have just before supplied the tackle and furniture of the vessel, before he can turn himself round to enforce his demand, a stranger is put on board, on behalf of the mortgagee, and the claim of the latter, perhaps, sweeps away her whole value. Compelled, as they are, to a certain extent, to give trust, whatever be their own necessities, or the importance of the supplies which they have furnished,—yet the party in possession under a mortgage carries the vessel to the hammer, and his preferable right, as being in possession, is in all cases pronounced for by the law. To a measure which shall cure so grievous a defect of justice I cannot see how any valid objection can be taken. It is true that the Honourable Member for Sunderland (Mr. Alderman Thompson) has said, that the principle of this measure goes upon an unwarrantable assumption of fraud on the part of mortgagees of ships; and he has contended, that very little fraud — considering the magnitude of the total value of the property invested in the shipping of this country — occurs in these bottomry and mortgage transactions. Whether this be so or not may be matter open to question; but this is not, namely, that it has become absolutely necessary to devise some simple and equitable means of securing and protecting tradesmen in respect of their demands for supplies, &c. to ships. It is on their account principally that I am anxious to support my Honourable Friend (Mr. G. F. Young) in his present motion. The House must see, I think, that honest tradesmen ought not to be deprived of their rights by a deficiency of the law, which is a premium to the wrong-doer. I have known a case in which the purchaser of a ship gave for her 2000*l*., and the tackle, apparatus, and furniture, 5000*l*. more. In that instance, the man who advanced the 2000*l*. got credit for the additional 5000*l*. from the tradesmen who sent in the supplies, tackle, &c. This party entered into some mercantile speculations, and in order to raise a sum of money, hypothecated his interest in the ship at 7000*l*. Those speculations failed; and by and bye, when the tradesmen who had furnished the supplies and tackle pressed their demands, imagine their astonishment on finding that the ship, with all her tackle, apparel, and furniture, had been sold for the benefit of the party who had advanced the money on mortgage, and that, instead of netting 7000*l*., the ship, her furniture, &c., as she stood, had fetched only 1500*l*.

or little more than three sevenths of the purchase money and the price of the stores; so that they were without any remedy for their loss whatsoever. Pass this Bill, and I am sure you will do nothing of which any party need be ashamed. Again I ask, why should the tradesman who supplies the tackle, apparel, &c., be placed in a worse situation than that of any creditors upon any mortgaged estate of landed property? If I go to North America (which some Gentlemen in this House are in the habit of citing for an example to guide us in all things), I find that the United States have already adopted a system of ships' mortgages registration, such as that which I am now contending for. If I wanted to sell my ships in the way I have mentioned, I should have little difficulty in practising the same deception on those who might buy them, by resorting to the like means; and it is to protect the public, but espe- the supplying tradesmen, against such shameful proceedings. I therefore cordially support the motion of my Honourable Friend. I think his Bill, when properly understood, will work beneficially for the shipping interest itself.

The SOLICITOR GENERAL. — Although, both to the Honourable Member who has just sat down, after powerfully stating his reasons for supporting this Bill, and to the Honourable Member for Tynemouth, by whom that Bill has been introduced, I give full credit for the perfect sincerity of their motives, and for the undoubting belief that they entertain that this Bill is calculated to work beneficially for the shipping interest, I am most decidedly opposed to it upon principle. It must be manifest, I trust, that I can have no interest in the question, — a question, indeed, which exclusively regards property in shipping, — beyond that which my view of the justice and exigency of the law, in relation to those views of the case which have been stated by the two Honourable Members, requires that I should, perhaps, explain. Now, my objection is mainly founded upon the conviction I entertain that this Bill will fail to accomplish the objects which it is assumed will be effected by it. I have been the more astonished at the argument of the Honourable Member for Whitby (Mr. Chapman), because it does so happen, instead of that discrepancy subsisting between mortgages on real property and those on ship property, that, in respect of the latter, there actually is that analogy to cases of mortgage upon lands which he so very anxiously wishes to establish. My Honourable Friend asks, why should there not be the same law as to these advances upon security upon property in shipping as prevails in those instances in which priority is given in the case of a mortgagee claiming upon landed property? My short answer to this is, that that is precisely the state of the law as it exists at present. Take the law of real property, for example: the registration of lands, to which the Honourable Member for Whitby is desirous to assimilate the provisions of this Bill for the registration of shipping, exists only in the county of York (except, indeed, to a certain extent, in the county of Middlesex). If you are going to purchase property in the county of York, you first go to the registry of that county and find out whether or not it is incumbered. If it be not incumbered, you act upon your own opinion of the expediency of the purchase upon the terms proposed to you. But what does this Bill do? It empowers the creditor to say, "You shall not sell this property." And then, without requiring him to call any body to prove his interest, you give to any individual who may choose to call himself the creditor of a shipowner the authority to impose on that shipowner the difficulty of being unable to raise money upon that description of property. In fact, the Bill gives to a man so claiming to be a creditor, on his own *ipse dixit*, all the benefit and advantage of a mortgage without affording any of those precautionary protections which a mortgage does give to the mortgagor.

I have already stated, that, in fact, there exists at this moment a registry of shipping; and where a mortgage is about to be effected, information of a vessel's previous liabilities can be ascertained. No questions present more difficulty to the courts, both of equity and of common law, than do those arising from and affecting the shipping interests; and though it has been said that this Bill — by some happy short cut, I suppose, to the solution of these confessedly nice questions — would remove those difficulties, and would be, therefore, satisfactory to the shipping interests, I may be allowed to say, it would be, at least, equally satisfactory to my profession, inasmuch as, instead of preventing, it would infallibly lead to, endless litigation. Before I sit down, I may observe, that the effect of this Bill would be to constitute every simple creditor an equitable mortgagee; and in this capacity he might compel the sale, call for the accounts, and exercise other powers attaching to that capacity. But I quite concur with the Honourable Member for Sunderland in thinking that this Bill, if good at all, does not go half far enough; for though it prevents a shipowner from mortgaging, it does not preclude him from selling, his ship. Looking at the measure in a general point of view, I cannot see that any case has been made out for passing it into a law.

SIR JOHN R. REID. — I never was better pleased with a speech, in the whole course of my life, than I have been with that of the Honourable and Learned Gentleman who has just sat down. As a shipowner myself, I may truly say, that I think the Learned Solicitor General has fairly, upon this question, hit the right nail on the head. He has stated the case as it exactly stands. My Honourable Friend the Member for Tynemouth has told the House that he is himself a shipowner, and that he can have no object in view inimical to the interests of shipowners generally; and I am sure, that so far as intention goes, the fact is just as he states it. But I, also, happen to be a proprietor of shipping to some considerable extent; and I can by no means take the same view of the wisdom or propriety of the provisions of the Bill of my Honourable Friend as he himself does. Happily for me, I have never been obliged to mortgage a ship. But suppose I were under the necessity to do so; and let me suppose, for example, that an Indiaman of mine, which (I am informed) has safely arrived at Dover, had run upon the rocks off Dungeness, and very heavy and pressing expenses had been incurred in rendering her salvage services. What would have been my situation, if (under less fortunate circumstances) I had wanted to raise the money, but had been required, in virtue of one of the clauses of my Honourable Friend's Bill, to give thirty days' notice before I could complete my mortgage? Why, the consequence would have been, that my credit must have been endangered. Now, Sir, I have looked through the petition presented by my Honourable Friend, in favour of the measure, with considerable care and attention, but I cannot find that one single shipowner has signed it.

Mr. G. F. YOUNG. — But that which my Honourable Friend is now adverting to was not the object of this petition, which ——

[Cries of "Order, order!"]

SIR JOHN R. REID. — I believe myself to be perfectly correct in stating that, after consulting a large number of the body, I may state, with truth, that, with one or two exceptions, there is hardly a shipowner who is not positively opposed to the Bill. I cannot sit down without saying, that I shall give every opposition in my power to the measure, satisfied, as I am, that it will work material injury to the commercial interests of the country.

Mr. JERVIS. — I must own that I have listened with cordial satisfaction to the Honourable Baronet, and rejoice that he stated his argument in the way in which he thought proper to address it to the House, for I never heard anything prove more efficiently the case of the measure against which that line of argument was intended to avail. But, though I congratulate the Honourable Baronet on the safe arrival of his "precious 'Argosy' in port," I must dissent from the grounds of opposition to this Bill which have been taken, both by the Honourable Member for Dover, and by my Honourable and Learned Friend the Solicitor General. I am one who think that all descriptions of property should be debarred from mortgage, unless notice have previously been given to enable all persons to come in and say, "I object to this security, having myself an equitable claim upon it." This Bill has first introduced that principle, and so far from objecting to it on that account, with the Honourable and Learned Gentleman her Majesty's Solicitor General, I hail it as a good measure. I hope, however, the Honourable Member for Tynemouth will allow it to go to a committee up-stairs, otherwise I, for my part, though even approving of the principle of the Bill, shall be compelled to give a reluctant vote against the second reading. My Honourable and Learned Friend the Solicitor General has said, that this is a bad Bill, because my Honourable Friend the Member for Tynemouth has taken a wrong tribunal to adjudicate on the rights which it affects. Let that be settled in a committee up-stairs. Matters of detail may be very properly considered there. I am in favour of the principle of the measure, as I consider that it would give the honest creditor a protection against the fraudulent shipowner, which, at present, that species of creditor does not possess.

Mr. CLAY. — My Honourable Friend (Sir John R. Reid) has said, that he cannot, on looking over the petition which has been presented by the Honourable Member for Tynemouth, discover among the signatures the names of any shipowners. I beg leave to observe, however, that so far from this being the case, among those names will be found the firm of Wigram and Co., certainly among the very largest shipowners in this country. Now, seeing that these and other subscribers to the petition presented by my Honourable Friend are persons of the very highest respectability, I contend, that a very strong ground is laid by the Honourable Member for Tynemouth for the course he is taking, and that he is entitled to much credit for that course. I own I cannot agree with the statement which has been made, that the grievances which my Honourable Friend the Member for Tynemouth seeks to remedy are of a trifling kind; but I may be permitted to doubt whether the remedy for those grievances is within the reach of legislation, or, at least, within the reach of that particular remedy which my Honourable Friend proposes to apply to them. My Honourable Friend calls on the House to affirm a great principle, affecting great interests and a large amount of property, for the protection of a class which, although respectable, he will, I think, allow is not very considerable in point of numbers. I must also remind my Honourable Friend, that he is here proposing to put simple contract creditors on the same footing with mortgage creditors. I think this unfair, as a mortgage proceeds on an agreement between the parties, and it does not to me seem equitable to place a simple contract debt on the same ground. My Honourable Friend, moreover, should recollect that the law which he now seeks either to repeal or to modify, was passed by the Legislature in consequence of the unanimous representations and suggestions of a very large assemblage of the shipowners of this country. It is quite clear, from the observations of the worthy Alderman the Member for Sunderland, this evening, and of other Honourable Members on former occasions, that the measure which has been introduced by my Honourable Friend (Mr. G. F. Young) is not viewed with approbation by those who represent the interests of the shipowners in this House, and under these circumstances I recommend him to withdraw his Bill. He will then have an opportunity of reconsidering its provisions, and he may possibly be able to frame a measure which may be less objectionable to the highly respectable class whose interests are affected by it.

SIR JOHN R. REED. — One word in explanation. The Honourable Member for the Tower Hamlets, who has just spoken, said, that in my statement as to the absence of any names of great shipowners among the subscriptions to this petition, I had made one most important omission in not noticing the name of the eminent house which he pointed out, there. It does so happen, however, that the house of Wigram and Sons are shipbuilders — not shipowners; so that I was perfectly correct in my observation.

AN HONOURABLE MEMBER. — My great objection to the Bill is, that it gives an unfair preference to ship carpenters and ship chandlers over all other creditors of the shipowner. This, which is the main, is also the most objectionable feature in the Bill. It does not place them on an equal footing, but a better. I will never consent to recognise such a principle: though I would not refuse to put them on as good a footing as any other class of creditors.

Mr. INGHAM. — From all the conversations which I have had with the shipowners of the North, I am prepared to state that they entirely coincide with me in the objections which I entertain to this Bill. I believe it is quite a mistake to suppose that (according to some representations which have, I believe, been made on this subject,) any individuals connected with this interest have called upon Parliament to interfere in this case. But, besides, I know that they did not expect that this Bill of the Honourable Gentleman (Mr. G. F. Young) would come on so soon after the adjournment of this House, or otherwise I am disposed to think they would have sent up petitions against the measure. I feel a strong objection both to the principle which it establishes, and also to the selection of the shipowners for the first exemplification of that principle. The Honourable and Learned Member for Chester seems to think that when a man has incurred a simple contract debt, he ought never to make a title to any property which he wishes to alienate without first satisfying that debt.

Mr. JERVIS. — Hear, hear!

Mr. INGHAM. — Very well. Let then the Honourable and Learned Member bring forward that general proposition and discuss it, and I shall be ready to meet it. But in what a position does my Honourable Friend wish to place the ship-chandler! He wishes to give him the benefit of a mortgage without the expense. What, however, is the dock-owner's situation now? He may, if he pleases, if not paid for the repairs, detain the ship itself. The effect of my Honourable Friend's Bill will be, to give the ship-repairer greater facilities for recovering his debt than any other person possesses in respect of any other debt. It may be made the means of an unjust creditor levying an exorbitant demand on the shipowner. Suppose a merchant has put an East Indiaman into dock, and has contracted with the dock-owner for her repair for a sum of 500*l.*; and having repaired her, wishes to effect a mortgage on the ship for 5000*l.*, to pay for the cargo with which he intends to load her. Well, suppose the dock-owner send in a Bill for repairs amounting to 700*l.*, on the ground of some inconsiderable alterations having been made. The dock-owner, under the provisions of my Honourable Friend's Bill, may interpose his claim and prevent the raising of the 5000*l.* to pay for the cargo until his demand be satisfied, and the shipowner, rather than submit to the delay, will consent to pay an unjust claim of 200*l.* I maintain, therefore, that this Bill may become the means of enabling a dishonest creditor to extort the most extravagant demands from the shipowner. On these grounds, and on others connected with matters of detail, into which I will not now enter, I shall support the opposition which has been offered to the Bill.

SIR JAMES DUKE.—I feel that I ought to apologise to the House, in its present state of impatience, and more especially after the able speech of the Solicitor General, for obtruding myself on their attention upon this occasion. But as I entertain very strong objections to the Bill, perhaps the House will indulge me with the opportunity of saying a very few words upon it. The Honourable Member for Tynemouth has said that he has received considerable encouragement from the body of shipowners to bring forward this Bill. I know not how the case may be with regard to the connections of the Honourable Gentleman himself, who are engaged in this line; but I do know that within a very short period an address was agreed to, at a meeting of the shipowners of South Shields, in which they greatly deprecate any experiment of this kind. I have another letter in my pocket from an eminent shipowner in Dublin; and some extracts from other communications which have reached me from Newcastle and Sunderland; and these all go to prove that the shipowners of those various ports are decidedly opposed to the Bill. The Honourable Gentleman (Mr. G. F. Young) has said much about the evils of the present system on which mortgages of ships are effected; but I will ask the worthy Alderman, the Member for Sunderland, largely as he is connected with the interest, whether an extended credit of one, two, or three years may not often, under the pressure of various incidents to which this species of property is liable, be necessary to mortgage a share of a ship, without its being deemed prudent, perhaps, to mortgage the whole. I must say, not meaning thereby to speak with any disrespect of the Honourable Member, that the preamble of his Bill is not at all borne out by facts. For my own part, I think it would be well that every shipowner should keep the register of his own vessel in his own possession: so that any man having dealings with him on being asked to advance money upon bond, may call for it and satisfy himself as to the nature and extent of the incumbrances upon such vessel. With the opinions which my Honourable Friend (Mr. Young) entertains, no doubt he has done right in introducing his Bill; but I cannot help thinking that its preamble does convey a most undeserved imputation on a large and highly respectable body of men. I have been engaged myself in the business of a shipowner for more than one and twenty years, and in all that time I have never known but of one instance of a fraudulent mortgage by a shipowner. I have known many instances in which gentlemen who have raised a little money on their shipping have paid it off at their pleasure, at the expiration of one, or two, or three years. I need not tell the House that in all cases of this kind, where it is required to raise any sum in the way of mortgage, the main object is quickness; and on that account, I look upon the proviso as to the thirty days' notice of such intention on the part of any individual proposing to become the mortgagor of a vessel, as altogether impracticable. For, depend upon it, if any gentleman were to go upon the Royal Exchange and give this sort of notice that he wanted to raise 10,000*l.*, his house would stop payment on the next day. The present course which a man in London of sufficient character would take would be, to go to his banker's, deposit his bills there, and then draw on his own credit. I am convinced that, had the Honourable Member consulted the shipping interest more carefully, he would soon have ascertained how injuriously his Bill would be calculated to press upon its welfare. I must oppose the Bill.

Mr. POULETT THOMSON. — I rise only to observe that I agree with the Honourable Member for Tynemouth in thinking that he has a right to complain of the want, which he has experienced on bringing forward the present question, of that support which he was entitled to calculate upon, if not in this House, yet certainly out of doors. He certainly had a right to anticipate that he would bring in this Bill with the consent of the shipowners generally. Holding (as some Honourable Gentleman has before observed) the particular opinions which the Honourable Gentleman avows on this subject, I am by no means surprised that he should have, in consistency with these views, introduced to us this measure. Though this Bill has now been some time before the House, I have not yet heard from any Gentleman an allegation that either upon his own convictions, or, acting under instructions from his constituents, does he feel that any sufficient case has been made out for this measure. I am satisfied that the Honourable Gentleman himself cannot do better than withdraw his Bill. I do think it incumbent upon him to show either that it would benefit the shipowners themselves, or that society generally is so much injured by the existing law, that some alteration in it is absolutely necessary. From all that has been stated it is clear that no case has been made out for placing shipping property upon a different footing from that of any other description of chattel property. Under all the circumstances, I strongly recommend my Honourable Friend (Mr. Young) to withdraw this measure, until some degree of certainty shall appear to exist in place of the present unsettled opinions on the subject of his Bill.

Mr. G. F. YOUNG. — I have no right to complain of any view which gentlemen connected with the shipping interest may be pleased to entertain on the subject of my Bill. I will only add this; that I have been urged by the shipowners themselves to introduce this Bill; but when I find their representatives, instructed by their constituents, opposing it, I feel that it would be useless to press the measure. I repudiate the idea of being actuated by any other desire than that of benefiting that commercial interest with which I am intimately connected, and which I have exerted myself in promoting for many years past.

The amendment and the motion were then, by leave, respectively withdrawn. Bill withdrawn.

CONACRE TENANTS (IRELAND) BILL.

Mr. LUCAS. — I rise to move the second reading of this Bill. My object in introducing it has been to improve the condition of the peasant tenantry of Ireland, with reference to a subject in which their individual interests are, almost without exception, involved. By the Report of the Poor Law Commissioners for Ireland it appears that conacre was found to be general in every barony which had been visited by the assistant commissioners, with the single exception of a barony in the county of Mayo; and the number of conacre tenants in the province of Leinster had increased considerably within the last two years. Conacre is a species of sub-letting, which regards the poorer classes merely, and consists in the fact of the farmer letting a small portion of land to the labourer, and furnishing the manure for the soil, whilst the labourer supplies the seed and tillage. In periods of famine it is frequently found that the conacre tenant is unable to pay the rent, and is subjected to great distress by the uncertain state of the law. The crop, I should observe, consists, almost uniformly, of potatoes. I seek to introduce the principle that the labourer shall not be compelled to keep the land, but that the farmer shall take it off his hands in the case of his inability to pay the rent, provided that there be no express agreement to the contrary, and upon reasonable notice having been given beforehand. The second clause of the Bill goes to provide a remedy for the following grievance: — In addition to the security afforded to the farmer by the promissory note which is given him, in the first instance, for the rent by the conacre tenant, it is usual to claim the additional security of a legal lien on the property. I propose to modify the law by introducing the provision, that if the landlord shall have consented to accept the security of a promissory note, such acceptance shall deprive him of the right to claim any other security. This arrangement will, of course, be without prejudice to any specific agreement. Without the introduction of such a provision the tenant will be compelled either to starve or purchase other potatoes, the only food within his reach, at a high rate of credit. I propose that the Bill be read a second time this night, and that its committal may be postponed to a distant day, in order that, the assizes having in the mean time taken place, every Irish Member may have an opportunity of expressing his opinion upon the question.

Mr. F. FRENCH. — I do not rise for purpose of offering any opposition to the second reading of this Bill, although I doubt much the policy or wisdom of attempting to regulate private bargains by legislative enactments. Any measure brought forward in this House for the protection of the humbler classes of my countrymen shall always have my warmest support. I find, however, that the measure now before the House is not likely to prove advantageous to them, and that my Honourable Friend, in remedying one evil, is about to create another still greater. Under the present state of society in Ireland, conacre is a necessary evil; and a Bill, the effect of which would be to throw obstacles in the way of breaking up land under this system, must materially injure the lower orders, by lessening the quantity in the market, and thereby enhancing its value. It is, I admit, apparently fair, and a practice which has, hitherto, generally been acted on in Ireland, that if the tenant be unable to pay the stipulated rent, the crop shall be accepted by the landlord in lieu of it. But what would be the consequence of that practice, practised as it now is by mutual consent of the parties concerned, were to be made law? It would first do away with all inducement to the landlord to set conacre, which arises from the solvency of the persons offering to take it — the man of substance and the pauper would be alike equal to him. No matter what might be the circumstances of the tenant, these would afford no security for the payment of the rent. The tenant might, as his interest or his caprice should dictate, serve notice, and throw on the landlord's hands a crop he had no means of either using or disposing of. In many cases the apprehension of this would prevent land from being set in conacre, to the great inconvenience of a neighbourhood that had hitherto depended for provision on crops grown under this custom. Again, it would open a wide door to fraud and malicious injury — the tenant might merely turn up the land, or quarter sow it; he would retain possession of it until the time for serving the notice arrived, and then leave, in place of the rent, a crop of no value on the landlord's hands. By the fourth clause in this Bill, if the rent be not paid before a certain day, the crop is to become the property of the landlord. This is a strange provision in a Bill for the relief of conacre tenants, as it would place them in a worse position than they occupy at present. Now, if the rent is not paid, the landlord can distrain and sell the crop. The balance, after the payment of his rent, belongs to the tenant. This Bill will transfer that to the landlord, as it proposes to vest the entire property in him. The remaining provisions of the Bill are merely a recital of what is already the law. Landlords are liable for damage done by their cattle, as well as other people; and no person can detain a crop after accepting a promissory note in payment of it. I will not, however, as I said, object to the second reading of the Bill; and I make these few observations merely to put my Honourable Friend the Member for Monaghan in possession of what I deem to be objectionable in his measure.

The O'CONOR DON. — Fully concurring, as I do, with those who will render justice to the benevolent motives of the Honourable Member for Monaghan (Mr. Lucas), and I am sure that in this number will be included every Gentleman in this House to-night, I really think with the Honourable Member for Roscommon, who has just sat down, that this Bill which my Honourable Friend (Mr. Lucas) has introduced, will have the effect of putting the conacre tenant in a worse position than he now occupies. Whenever it shall be referred to a committee, I will do my endeavour to render the measure as little injurious as possible.

An HONOURABLE MEMBER. — It has been stated, in objection to this Bill, that it is an interference with bargains between man and man. If this argument were to avail, it is clear that we should never have got rid of the truck system in England. I well remember the great objections which were taken, at the time, to the anticipated inconvenience of interfering with that most mischievous practice.

Mr. LUCAS. — If the House should prefer to give a remedy for the evil which I desire to see rectified by some other modification than that which I propose by my Bill, I shall have not the slightest objection in giving way to their wishes upon the subject.

The Bill was then read a second time,

and ordered to be committed on the 19th of March.

The other Orders of the Day were thus disposed of: —

SUPPLY.

Committee deferred till Monday next.

RETURNS, &c.

Commercial Daily List. — On the motion of Mr. HUME, copies ordered —

Of a memorial addressed to the Lords of the Treasury by a body of merchants and traders of the city of London respecting certain proceedings threatened by the Stamp Office against the "Commercial Daily List," and suggesting that the same protection should be afforded to that publication as to the "Custom House Bills of Entry," "Prices Current," and other commercial papers: and a copy of any minute of the Treasury thereupon; and also a copy of their Lordships' reply to the memorialists.

Of any minutes of the Lords of the Treasury, and orders of the board of Commissioners of Stamps, and correspondence respecting the publication of the names of ship brokers in the list of "Ships Loading," in the "Customs Bill of Entry B.;" and of the names of brokers in the "Commercial Daily List," the "Mercantile Journal," and other publications of a wholly commercial nature.

Liverpool Mails. — Return (presented the 29th of January) to be printed.

Russian Dutch Loan. — Account (presented the 29th of January) to be printed.

Dublin Society. — Paper (presented the 29th of January) to be printed.

House, at rising, to adjourn till Monday next.

Adjourned, at a quarter after twelve o'clock, till Monday next.

HOUSE OF LORDS, Lunæ, 5° die Februarii, 1838.

APPEALS.

Hamilton *v.* Wright.—In part heard, and adjourned to Friday next.

Plowden *v.* Thorpe.—Set down for hearing.

Monypenny *v.* Campbell; Logan (or Gill) *v.* Logan.—Leave for recognisances to be entered into for the Appellants.

Barry (Pauper) *v.* Waddell.—Petition of the Respondent for leave to lodge cases; read and referred to the Appeal Committee.

The Countess of Dalhousie *v.* M'Dowall.—Respondent ordered to put in his answer peremptorily in a week.

Several Lords took the oaths.

BRAYE BARONY.

Committee for Privileges to meet on Tuesday, the 20th instant.

NATIONAL EDUCATION.

LORD DENMAN presented two petitions from inhabitants of Coventry, against any system of education which does not secure religious instruction.—Read, and ordered to lie on the Table.

NEW ZEALAND.

The EARL of RIPON.—I am anxious to know whether it is in the contemplation of her Majesty's Government to grant a charter to a company which has for its object to colonise New Zealand, and whether it is a corporation coming under legislative cognisance?

LORD GLENELG.—I shall be prepared to answer the question of the Noble Earl to-morrow.

CANADA GOVERNMENT BILL.

On the motion of LORD BROUGHAM, the Order of the Day for the House to be put into committee, and for the Lords to be summoned, and for John Arthur Roebuck, Esquire, to be heard against this Bill, was read.

MR. ROEBUCK appeared at the bar, and said:—I appear at your bar, my Lords, as agent of the House of Assembly of Lower Canada, for the purpose of laying before you statements, and arguments thereon, which, in my belief, prove the impolicy and the injustice of a Bill now pending in your Lordships' House, entitled, very falsely, in my judgment, "An Act for the better government of Lower Canada." This Act is intended as a punishment; it not only attempts to provide for the future better government of Canada, but, while it does so, punishes my clients for alleged misdeeds. The necessity for this extraordinary measure is supposed to arise out of the conduct of the people of Lower Canada and their representatives. The difficulties which have existed in the government of Canada are asserted to have their origin in the desires of the House of Assembly, which house has been supported by the unanimous voice of their constituents. Their desires are presumed to be mischievous; and therefore, rather than yield to them, it is proposed to deprive the people of a representative government,—to reduce the hitherto self-governed inhabitants of our American province to the abject condition of Hindoo serfs. We propose to take from them the right which every other people on that continent possesses, and, in place of it, we are about to send them a dictator, who is to govern them according to his arbitrary discretion. My duty, my Lords, upon this extraordinary and momentous proposal, is twofold. I have first to prove the injustice, next to point out the impolicy, of this measure. I shall prove it unjust by disproving the assertion that the House of Assembly has been guilty of the misdeeds laid to their charge. I shall prove that their conduct, so far from deserving any reprobation, has been just, firm, and prudent; that their demands are those which a wise and honest body of representatives ought strenuously to have insisted on, and that the measures which they have adopted to attain their ends have been such as the constitution sanctions,—such as great prudence, forbearance, and an earnest desire for the wellbeing of their country demanded. Furthermore, I shall show that the really guilty parties,—they who have unwisely and wickedly checked the operations of Government, and put a stop to all improvement in this magnificent province,—are those who are instigating your Lordships to break in upon the established principles of representative government, by this violent, high-handed, and arbitrary proceeding.

It will be my painful duty to show your Lordships that, if on any side there have been folly, haste, violence, procrastination, vacillation, ignorance, petulance, and unconstitutional proceedings, they have been manifested, not in the conduct of the Assembly, but in that of those who have resisted their just demands; and that among those who have chiefly evinced all these evil qualities, the Colonial Administrations, past and present, are eminently conspicuous. I shall not, my Lords, attempt to justify revolt; but I shall justify the Assembly, by showing that the unhappy insurrection in Lower Canada, which has been suppressed with a cruelty shameful to our national character, lies not at their doors, but was the legitimate offspring of the folly and the ignorance and the injustice which seem to be the necessary adjuncts and appendages of our colonial administration. If I shall succeed in these attempts, my case, as to the injustice of this measure, will be fully made out, and it will be plain to your Lordships that the real culprits, nearer at hand, are about to escape, whilst the innocent, who are distant, are to be treated as the guilty. I shall then attempt to make your Lordships aware of the great impolicy of this measure, by pointing out a means of allaying all discontent in Canada, and providing for the regular and peaceful administration of the Government, far more efficacious, more constitutional, and less revolting to the feelings of all men accustomed to representative government, than the proposed dangerous experiment. I will, with your Lordships' leave, submit to you a scheme which, while it would secure peace for the present, would also provide security for the future; and, while I do all this, I shall endeavour to show that the proposed scheme is one of unmingled mischief; and that the Noble Lord who is about to attempt to carry it into execution will find all his good intentions frustrated, all his hopes of peace dashed to the ground, by the suspension of the Canadian constitution; that the government of force, which he is about to institute, can never, while the colony is ours, be succeeded by a government of law;' that, in short, we are blindly preparing for a violent disruption of the empire; and that we shall, after this fatal measure is passed, hold Canada by the sword, and maintain our dominion only so long as an overwhelming military force overrides and represses the indignant desires of an injured and insulted people.

Before I attempt a defence of the House of Assembly, however, I must accurately ascertain that of which they are accused; and this, in reality, constitutes the most difficult portion of my task. For, amidst the wild farrago that has been spoken and written on this question, it is hard to tell what has been put forth as matter of serious charge. Much has been asserted with base motives, and for base purposes; prejudices degrading to our nature have been constantly—and I fear but too successfully — appealed to, in order to persuade the English people to sanction a tyranny that they would not, for a moment, tolerate, were they in the perfect possession of their reason, undisturbed by passion. Falsehood, too, has been lavishly employed to the same unrighteous end. The wildest stories, the foulest calumnies, have been unhesitatingly used to blacken the character of the Assembly, and to induce the people of this country to look upon them as a factious set of unprincipled demagogues. This calumny has taken every shape,—speech, book, pamphlet, essay, sermon, and poem; — it has graced the harangues of Ministers, and been employed and echoed by their servile dependents; nevertheless, however great the authority, still it is calumny, and I must endeavour to find something more definite and precise than these vague and flagitious assertions. It would seem that the volumes of vituperation which have issued upon this subject may be reduced to three distinct assertions. First, it is asserted that the House of Assembly has unwarrantably stopped the supplies, and thus put an end to all the operations of Government. Secondly, It is said that the people or rather a portion of them, have risen in revolt at the instigation of the Assembly. Thirdly, It is declared that the large French majority of Lower Canada have oppressed the very small English minority of the inhabitants; and these three charges or assertions are supposed to be a sufficient justification for the extraordinary proceeding which your Lordships are now called upon to sanction, — viz. the utter subversion of their present constitution, and a destruction of the most valued rights of the people. But, my Lords, I, on the other hand, assert that each and every charge which I have just now stated is utterly false; and I shall at once proceed to prove that, on the occasions on which the Assembly have stopped the supplies, they were completely justified in so doing, and that they are not the parties who are chargeable with having checked and arrested the operations of Government; also that there is no evidence that the House of Assembly have been in any way guilty of instigating the people to revolt. I will prove the outbreak to have been an outburst of mere passion, at the sight of gross injustice and tyranny, perpetrated under the eyes of the people; and I will then disprove the last recited charge or calumny,—namely, that there has been any oppression of the English by the French inhabitants of Lower Canada.

Your Lordships are doubtless aware that the connection between the mother country and her North American colonies has ever been attended with disputes and bickerings, which has not unfrequently broken out into violent and dangerous quarrels. The mother country, on the one hand, sought to obtain unlimited dominion over her distant possessions; while the colonies, on the other, endeavoured to establish a self-government, as little dependent as possible on the metropolis. The people of New England, for example, set out with asserting that they were an independent people, subject to the crown of England, and only voluntarily bound, by charter, to make no laws opposed to those of England. Whilst these colonies were poor, and struggling for their very existence,—whilst, in fact, they yielded no fertile field for official patronage,—their high pretensions excited no displeasure, because the colonies themselves were matters of no consideration. When, however, the colonies became rich and extensive, then, indeed the attention of England was awakened; and they were compelled, by the superior force of the mother country, to abate somewhat of their high tone, and submit to material and exceedingly painful restrictions upon their free will. The navigation laws were passed, and trade restrictions imposed; and to these restraints the colonies submitted, with an ill grace, nevertheless, still asserting, openly and fiercely, their exclusive right to regulate their own internal concerns. The exact line, however, was never drawn, defining what the mother country could not—what she could—do, by way of supervision and control. The Colonies did, in fact, regulate all their internal affairs; and, in the case of all the New England states, which created and have ever guided the political creed of the New World, they actually elected and paid the greater part of their executive officers. The time at length came when England chose to have a share in the executive, and royal governors were appointed. This no sooner happened than the quarrel commenced which is now actually raging in Canada. All the executive were exceedingly averse to being responsible to the colonial assemblies, and they were constantly persuading the metropolitan Government that such responsibility was dangerous to the supremacy of England. To the colonial authorities in America such responsibility was exceedingly obnoxious, because it had one very disagreeable consequence. When the people were displeased with the conduct of the executive, they were accustomed to curtail their salaries. These salaries were, at the outset, completely under the control of the Assemblies, who decided on their amount, and who voted them annually. In the reign of Anne, however, the governors were ordered to demand, of the various assemblies, fixed salaries for themselves, the judges, and certain executive officers. This demand was peremptorily refused by the assemblies of some of the colonies, and to all gave great offence. The dispute went on from year to year, till at length it was brought to a close for a time in New England, by the complete success of the Assemblies, who pertinaciously refused this demand of a permanent Civil List. And if any of your Lordships have a curiosity to learn upon what grounds this demand was refused by our own purely English colonies, you will find them stated in an address passed by the Assembly of Massachusetts to the then Governor, Mr. Burnett, in the year 1728. The official party, however, did not approve of this settlement of the dispute: they still harped upon the old string, endeavouring to persuade the Ministers of the Crown to insist upon a permanent Civil List. At length their ingenuity suggested a means of making the affair which so deeply interested themselves interest also the Ministry; they pointed out to the Minister a new source of revenue, and speciously pretended that America, because she ought to pay for her own safety and security and good government, ought to submit to be taxed for these purposes by the Parliament of Great Britain. In an evil hour, Mr. Grenville listened to these suggestions, and he brought forward his too famous

Stamp Act, expressly to provide means for the security and good government of the colonies. The colonies resisted this attempt, and, for the moment, it was foregone; the Stamp Act was repealed; with a declaration, however, that Parliament had supreme authority in all cases. In America, this was thought merely a salvo to soothe hurt pride, and was therefore disregarded. The Chancellor of the Exchequer, Mr. C. Townshend, quickly acted upon this declaration, by laying a tax on various articles of trade imported into America, expressly for the purpose of paying fixed and certain salaries to the judges and governors. This measure also raised up violent opposition; so much so, that it was repealed, with the exception of a tax of *3d.* a pound on tea, the proceeds of which were also to be applied to the same purpose. In 1774, a cargo of tea was sent to Boston, was violently seized by the people, and thrown into the sea. This proceeding led to the famous Boston Port Bill, and also, by an ominous coincidence, to an Act for the better regulating the government of Massachusetts; and this Act produced the American revolution.

I have thus hastily recalled to the recollection of your Lordships these well-known facts, in order that you may contrast the patient forbearance of the Assembly of Lower Canada, in circumstances precisely similar, with the heat and passion of the Assembly of Massachusetts. These last, when threatened with a permanent Civil List, broke out into open, and eventually successful, rebellion, while the House of Assembly of Lower Canada, when threatened with the same calamity, demanded, before they submitted to the desires of the colonial administration, that they should be relieved from an evil which America refused to bear,—namely, a House of Legislature which was responsible to no one, and which had no interests in common with the people. The Act for the better government of Massachusetts transformed the second chamber from being one elected by the people to one nominated by the Crown. The threat of this change produced war and dismemberment of the empire. The patient people of Canada have borne the same evil for half a century; and at last, when every body has condemned this council,—when parliamentary committees, royal commissioners, Parliament itself, have declared that change was necessary,—the House of Assembly does what?—Declare war? No. Rebel? No; but modestly employs a constitutional power, and, under circumstances of great provocation, stops the supplies for two consecutive seasons. And then what happens? Why, Parliament, wholly regardless of past experience, contemning the solemn sanction of two most momentous Acts of Parliament, violates the constitution of the people of Canada, by determining to rob their Exchequer. Shortly after, a riot or revolt occurs in one particular district of Lower Canada, and you now, without further consideration, are called upon utterly to destroy the constitution of 1791! Is this, my Lords, a true history? Let me shortly run over the facts, and then say if it be not true to the letter; and then, ask yourselves what mankind will say in after times, when they shall read the two histories which I have ventured to lay before you, and compare the different fortunes of the United States and of Lower Canada. Although the people of Canada received their constitution in 1791, and the whole of their revenues were nominally subjected to the control of the Assembly in 1794, still the expenses of the civil government were paid by England up to the year 1816. In the year 1774, Parliament passed an Act, imposing certain duties upon goods imported into Canada from England and her colonies,—exactly like those duties which, in that very year, caused a revolution in America. From the proceeds of those duties (Canada having patiently submitted to our taxation), and from certain revenues derived from territorial sources, the expenses of the civil government were provided for. When the Assembly inquired what the expenses were, the answer always was, "You need not trouble yourselves about the matter, as England pays everything." The Assembly being well aware that much money was paid by the Canadians in the shape of duties and territorial dues, humbly asked, in 1810, to be allowed to pay their own expenses. Up to this time, the old quarrel, which I have described as going on in our English colonies, had lain dormant; because, in reality, there was no responsibility to the Assembly on the part of the official people of Canada. When, however, in 1816, the offer of the House of Assembly to pay its own expenses was accepted, there was the old demand of a permanent Civil List revived by the colonial authorities, and refused by the colonial assembly In America, the governors had themselves, on this refusal on the part of the Assemblies, arrested the business of Government by using the various powers they possessed. But, in Canada, this office was performed by the Legislative Council. This council, in the old colonies, was elective, and did not, therefore, obstruct the desires of the people; but in Canada, being appointed by the Crown for life, and being, moreover, the chief part of the executive, they checked all the operations of Government by opposing the Bills passed by the Assembly, which were of chief moment to the colony, and for the passing of which the people were most anxious.

The consequence of these proceedings on the part of the Council, and of certain arbitrary conduct on the part of the Government, was, petitions from the people of Lower Canada to the Imperial Parliament in the year 1828. This year, 1828, is a remarkable epoch in the history of Canada, to which I must intreat your Lordships' most serious attention. The people, in their petitions, alleged various grievances, among which the most remarkable were the following: — First, an arbitrary taking and employment of their monies out of the provincial chest, and the payment of the public servants by the governor, without the sanction of the Assembly. Secondly, a mischievous opposition on the part of the Legislative Council to all beneficial legislation. Thirdly, an improper dependence of the judges upon the executive, inasmuch as they, the judges, were judges simply during the pleasure of the Crown. And they prayed, as a remedy for those grievances, that the Governor should be recalled, and the law steadily adhered to, which commanded that no money should be applied without their consent, and that all the revenues should be subjected to the immediate and complete control of the House of Assembly. Next, they prayed for a change in the composition of the Legislative Council, so that it might be made to harmonise with the general feelings of the great body of the people; and lastly, that the judges should hold their offices during good behaviour, and be subject to impeachment for misconduct before some competent tribunal. The whole of these allegations respecting their grievances were fully proved before the committee of the House of Commons to which the Canadian petitions were referred,—and the committee deemed their various demands so reasonable as most explicitly to recommend the chief of them to the House, as fit remedies for those grievances; and they earnestly advised that the Legislative Council should be changed, so that it might be more independent, and be made to deserve the confidence of the people; they, without ambiguity, recommended that the whole of the revenues of the province should be subject to the control of the colonial legislature; and they condemned, in very pointed terms, the manner in which the colony had theretofore been governed.

In consequence of this Report from the Committee of the House of Commons, great expectations were created in the province; and these expectations, in certain cases, took a definite shape, because of the words of the Committee's Report. First, it was confidently hoped that a very thorough change would be made in the Legislative Council, — and, being so made, it was hoped that it would be an effective tribunal of impeachment, — that the judges should hold their offices during good behaviour, and, under this hope, the Assembly determined to grant them permanent salaries;—and lastly, it was now confidently expected that all the revenues, without reserve, would be submitted to the control of the colonial legislature. Your Lordships must bear in mind that the chief hope, — that on which all the others rested, — was, that a thorough and searching change was to be made in the Legislative Council. And I would beg of you here to remark the remarkable prudence and forbearance of the House of Assembly. They did not rush headlong after change, and, for certain defined grievances, demand wide and startling reforms. The proposed change was just enough, in their belief, to cover the acknowledged evil; all that they asked, in this first instance, was, that the composition of the council should be changed, believing that the home authorities had sufficient knowledge of the country, and sufficient good will towards it, to know the right men to put into the council, and, so knowing, to put them into that body. The event belied their expectations,—changes were made in that body, — all the judges, except the chief justice, were requested to abstain from using their privilege of legislative councillors, but no precaution was taken by law to prevent them going down to the council at any critical period, and overwhelming any opposition. Next, some additions were made to the Assembly; but these at once proved one of two things, — either that the Minister at home did not possess sufficiently accurate knowledge of the characters of the leading men in the country; or that, if he did, he was not willing to employ it so as to satisfy the people. The council now did not, to use the language of the Committee of the House of Commons, deserve the confidence of the people. To show your Lordships, however, the anxiety felt by the Assembly to perform all that depended on them,—to make the Government such as was required for the well being of the people,—and to prove to you, also, their confidence in the justice of the English Ministry,—I must here mention one fact that is usually slurred over by opponents of the Assembly. In spite of the old colonial dread of fixed salaries, the House did, in February, 1832, pass a Bill appointing permanent salaries for the judges; and they, at the same time, constituted the Legislative Council a tribunal of impeachment. This was done, in the confidence they felt that a real and effective change in that body was intended. Lord Aylmer's despatch respecting this measure commences by stating that the writer, on the fifteenth of December, 1831, had the honour of communicating to his Lordship a message sent down by him to the House of Assembly, calling upon them, in obedience to his Lordship's directions, to make a permanent provision for the salaries of the judges of Lower Canada. The message was referred to a committee, who brought up a Report on the 28th of December. That Report was taken into consideration by a committee of the whole House, and it was resolved by a majority of five, the numbers being thirty-four against twenty-nine, that the whole of the judges should be disqualified from having seats in the Legislative Council, no exception being made in favour of the chief justice. The exclusion of the chief justice would, under the instructions of his Lordship, render it impossible to sanction a Bill containing such provisions; but, when it was again discussed, the objectionable clause was lost by a majority of thirty-four against twenty-four. The Bill for making the Legislative Assembly into a court of impeachment passed the House of Assembly by forty-two to thirteen. The Bill subsequently passed the Legislative Council without a dissentient voice, and it was taken to be a sign of a good disposition on the part of the House of Assembly. With regard to the chief judge having a seat in the Council, that question was given up for a time. The Bill did not receive the royal assent, because Lord Aylmer conceived it to be so contrary to the instructions upon which he was acting. Yet he used these remarkable words in his despatch:—"At the same time I take leave, with the utmost submission, to recommend the Bill to the most favourable consideration of his Majesty." And the ground upon which he made that recommendation was, "That, in my opinion, at no time can we reasonably expect that we shall get a Bill passed, or a dispute settled, upon such favourable terms." Again, with respect to the same Bill, the same Governor said, "I cannot avoid noticing the Bill for establishing the independence of the judges. I think it necessary, at the same time, to inform you that, although the principle of this Bill coincides altogether with the views of his Majesty's Government, it contains one or two provisions that impose on me reservation until I know his Majesty's pleasure." Lord Aylmer's prediction was verified; the Bill was rejected, and has never since been passed.

Many things now concurred to create discontent and distrust on the part of the Assembly. The changes in the Council gave great offence; and a new claim was put forward, in spite of the recommendations of the committee of the House of Commons, and spite of former usage, to the exclusive supervision, by the executive, of the casual and territorial revenues. Your Lordships have heard what Lord Aylmer says on the subject of those revenues, and it cannot but be a matter of deep regret that such a claim should, under such circumstances, and at such a period, have been put forward. Nevertheless, for the year 1832 a Bill of Supply was passed, though the House distinctly and firmly refused any further permanent provision for the executive. In May of this year, 1832, a most calamitous riot occurred in Montreal; the troops interfered, and three Canadians, who were proved to have taken no part in the disturbances, were shot. When the Assembly met in session, a long inquiry commenced respecting this unfortunate affair. Great offence was taken at the conduct of the executive, and the general feeling now was that justice, even with annual salaries, was with great difficulty obtained by the people, but that with permanent ones justice would be impossible. This ill temper was greatly aggravated by the conduct of the Legislative Council, which at this time took occasion to insult the House of Assembly; and by its continuance in the old plan of rejecting measures useful to the province, proved its spirit to be the same as it ever was. The ill-humour of the Assembly was not improved by the conduct of the Government respecting the Civil List. In consequence of the Assembly's refusal to provide permanent salaries for the Governor and certain executive officers, the Colonial Minister determined no longer to ask the Assembly to furnish salaries for those functionaries, but took the proceeds of certain revenues, hitherto always submitted to the control of the Assembly, and out of them determined to pay the Governor and these executive officers. If your Lordships will put together and so arrange these various particular causes of discontent, as to see them all in one groupe, you will fully understand the state of feeling which existed on the part of the Assembly. First, they found the old grievance of the Legislative Council in all its pristine vigour. They believed that they saw good reasons for coming to the conclusion that justice would not be administered to the people fairly and impartially in matters of dispute between the executive and the people. They also saw the Colonial Minister pressing for permanent salaries for officers already too independent, and, because refused, taking from them, violently, revenues which by long usage, as well as by the solemn declaration of a committee of the House of Commons, had been entirely under their own control.

The natural conclusion from all these proceedings in their minds was, that there was a determination on the part of the executive to free themselves from the wholesome control to which, by the constitution, they are subject; and the Assembly very naturally, and in my opinion very wisely, applied itself to the task of strengthening that responsibility on the part of the public servants, by which alone good service is secured. But to effect this did they, as did the people of the United English Colonies on their continent, declare war or rebel? No, my Lords, they employed the peaceful constitutional means in their power; they refused permanent supplies, and again petitioned Parliament to redress their grievances. Nevertheless, again in 1833 they passed the supplies for the year, attaching certain conditions to their grant, by which mischievous pluralities were prevented. This Supply Bill of 1833 the Legislative Council refused to pass; and thus began that war of refusals, of which such complaints are daily made. When the House met in 1834, seeing that the Legislative Council had refused the last year's supplies, and believed that this year also the Council would reiterate their refusal, the Assembly did not provide supplies, but resolved to petition Parliament for redress, and then their chief demand was for an elective Legislative Council. But I must earnestly entreat your Lordships to remember that this is the first of the two solitary instances of refusal of supplies by the Assembly; I shall soon have to speak of the second. It may be thought, my Lords, that I have a delicate task to perform, while I defend this demand for an elective council before your Lordships. Many pretended friends of your Lordships' House have endeavoured, by a forced analogy, to persuade the people of England that the Legislative Council, being a second chamber, is the House of Lords of Canada. I, however, will not pay you the ill compliment to make any such comparison. My opinions respecting any species of irresponsible legislative body are well known, and need not here be repeated; but, whatever be those opinions, I never for an instant was so blind as not to see the enormous difference that exists between an aristocracy properly so called and a body of men selected by one will at hazard almost from amongst the people, and endowed with legislative functions. An aristocracy is a social distinction; it is the growth of ages; it results from ancient national peculiarities; it cannot be brought into existence at a moment, or at the will of any man. Power may create a legislative body, and give them exclusive privileges, but power cannot create an aristocracy. Wealth may build a wall, but no extent of riches can produce suddenly an avenue of full-grown trees. The last is the long product of natural causes — the growth of ages, and not the work of an hour. Your Lordships are what you are, not by any one man's will — a breath has not made, neither can it unmake you. The institution of this House is sanctioned by time and by opinion — it is supported by the respect always paid to antiquity, and by large territorial possessions. Strip the peers of their possessions — strip them of the *prestige* which attaches to them in consequence of their ancient history — reduce each one of you to the position of an obscure, poor, nameless, individual — then fancy yourselves suddenly called together by an Act of Parliament, in direct opposition to the people's wishes — and then, my Lords, but not till then, will the comparison hold between this House and the Legislative Council of Lower Canada. Your Lordships' strongest support is the national opinion, but in Canada the national opinon is against this body of hungry and irresponsible nameless legislators. And the House of Assembly only speaks the unanimous voice of its constituents when it demands, that in place of this unknown and untrustworthy body, they should be favoured with a respectable and worthy band of legislators, supported by the approbation of the nation at large. This is, my Lords, their view, and to me it appears a wise and prudent one, of an elective legislative council. In Canada there are no elements for an aristocracy; this is acknowledged by all men who know that country, and experience has shown that you cannot force an aristocracy as you would force a cucumber. Why, then, cling to the dead and empty form, and reject the only principle which gives vitality and strength to this institution? That principle is election — for this the Assembly contended; and because they took the path which wisdom pointed out, we are about to punish them, by reducing them and their countrymen to the condition of slaves.

But, my Lords, I am not justified in thus seeking excuses for my clients; my duty requires that I should take higher ground, and boldly assume, that unless they had made a demand for an elective Legislative Council, they would have betrayed their trust, their honour, and their country. You, my Lords, as I have already said, derive your best title from the nation's approval of your institution; but in Canada, the national opinion is entirely against this Legislative Council, and they who called themselves the representatives of the people, did no more than what their bare duty demanded when they gave expression to the national will. Experience had taught the people that it was useless to expect any beneficial change in the body at the hands of governors 3,000 miles off, and they, themfore, failing in their first proposal of reform, were bound to endeavour to frame another; and what so natural as that they should adopt one under which the old colonies flourished and grew powerful, and which they daily saw producing innumerable benefits to their neighbours, the Americans? Looking to the past history of the American colonies, they learned that for nearly two centuries elective councils had existed in the most flourishing and powerful of the English colonies. This being the fact, they could not anticipate that English statesmen now-a-days would gravely assert that such an institution was inconsistent with the relation of colony and mother country. What! Is it impossible, when under it the most extensive colonies England ever possessed lived happily and peaceably; and while it existed, these colonies proved, by a prodigal effusion of their blood, and expenditure of their treasure, in the cause of England, their attachment to her name and dominion? The Canadians, therefore, without hesitation, adopted this precedent, and sought by the sanction of antiquity to conciliate opposition. They were mistaken; authority was disregarded when interest was endangered. Official people admire the wisdom of ancient times, and patronise conservative doctrines, only so long as they are likely to gain more by retaining an institution than by changing it. Show them some personal advantage to be derived from change, and there can be found none so daring, so reckless in their desires and attempts at alteration. The men who shrink with affected horror from remodelling the constitution of the Legislative Council, do, without trembling and without compunction, at one fell swoop, carry off the entire constitution. They dread to touch a part, but exultingly destroy the whole. The House of Assembly could not foresee that inconsistency should be so rife; neither could they believe that any serious objection would be made to the adoption of a plan which had, for so many years, existed in full operation in our most favoured colonies.

It is said, however, that it was unjustifiable in the Assembly to use their constitutional power to obtain an organic reform. What, my Lords, do I hear this dangerous argument used by men of so-called Conservative opinions? The wildest fanatic for revolutionary change never propounded a more destructive principle. What is the meaning of this statement? This, if it mean anything: — You are not to seek great reforms by peaceful means. All changes that are trifling, and not likely to agitate the whole body of society,—these you may pursue by quiet and legal means; but when you seek such extensive reforms as to excite all minds, to raise up a hope or fear in every heart — when the angry passions are most excitable — then you are to forego methods of peace, and modes of constitutional action. If you are determined on reform, it behoves you to seek it by arms, by violence. Are such counsels wise in these times of social, and general, and very dangerous excitement? Is it not far more prudent to accustom men wholly to such peaceful modes of action, to dissuade them from ever looking to the adoption of violent and physical means for attaining great moral ends? Such, however, is not the advice or the creed of those who tell us that organic changes are not to be sought by constitutional means. They who blame the Assembly for adopting the peaceful means within their power are the most vehement and successful preachers of violence and rebellion. A nation suffering under abuses will not fail, will not cease, to try to get rid of them. The desire and the hope of reform you cannot prevent; it is the height of wickedness and folly to force these desires into dangerous courses — to bid men be hopeless of relief from moral power. The Assembly of Lower Canada, however, were truly conservative. They followed in the well-known and well-marked tracks of the constitution, and adopted the method of redress which Parliament had of aforethought placed in their hands; by which placing I assert, my Lords, that we are "estopped," to use a legal phrase—we gave them, withour eyes open, a discretionary power, and we are not justified in quarrelling with their use of it. But it is asserted, and by high authorities, that through the conduct of the House of Assembly, the constitution of Lower Canada is in reality suspended, and that, therefore, this measure is needed. Now, in answer, I will first prove that the assertion is wholly unfounded. The constitution has not been suspended by the Assembly. So much for the premises; but next, as to the conclusion. I will endeavour to make it manifest that none such accurately follows. In the history of Canadian grievances which I have ventured to lay before you, I have arrived at the famous demand made by the Assembly in the year 1834. In that year they embodied their grievances in ninety-two resolutions, and sent agents home to lay their complaints before Parliament. A committee was appointed to inquire into the truth of their allegations, but this committee never came to any determination respecting the matter, in consequence of the Ministerial difficulties which induced Lord Stanley to resign the office of Secretary for the Colonies, and placed Mr. Rice in his stead. Mr. Rice was anxious, as he said, not to be hampered by any determinations of the committee, and he requested the Canadian agents and myself to allow the committee to close without asking for a decision, promising at the same time loosely, yet vaguely, respecting his future proceedings in Canada. One solemn promise he made, the breach of which led to the second refusal and last refusal of supplies, and that was, not to pay the arrears of salary which the Assembly had not provided for; he professed great horror at any such encroachment upon the privileges of the Assembly, and great respect and attachment to the peculiar doctrines of our constitution concerning the appropriation of money by the Commons. The agents, at my request (for which request I most sincerely entreat pardon from the people of Canada), put faith in the Right Honourable Gentleman's professions and promises; yet we had hardly left his office, when despatches were sent to Lord Aylmer, ordering him to pay thirty-one thousand and odd pounds of salaries in arrear. The Governor obeyed his instructions, and also with like obedience did, when the Assembly again met, demand of them to pay all the arrears of salary, together with the money which he had advanced. The Assembly, naturally irritated, refused compliance; they, for the second and last time, refused the supplies, saying, "We will again appeal to the Parliament of England, and ask whether they sanction such conduct," and they again strenuously insisted upon their demand of an elective Legislative Council.

Before I proceed in my history, I would request your Lordships to mark well, and to reprobate, the example which I have here laid before you of a very dangerous, but very common, system at the present time. What could any man expect to be the consequence of conduct such as I have described? — conduct little worthy of the high station of a Colonial Minister — in fact, I know no honest station that would not be degraded by it. But I call your attention to it, as part of a disingenuous and dangerous system, which has throughout been followed with respect to this unfortunate affair. The people of Canada have not been fairly dealt with. The Minister has constantly, by ambiguous language, raised hopes intentionally which he never intended to satisfy. In the very case before you, Mr. Rice made the agents believe — he made me believe, that he was about to pursue a course wholly unlike that of his predecessor. He intended, by his language, to raise this belief in our minds, while he endeavoured to screen himself by an ambiguous phraseology, which, with Old Bailey ingenuity, was to be used and explained upon fitting occasion. But neither he nor his successor ever seemed to consider what the result would be upon the minds of the colonists; the difficulty of the present time was staved off, and the future was left to take care of itself. To this disingenuous conduct, however (I will give it no harsher name), much of the discontent that arose can easily be traced. Hopes were raised only to be disappointed; disappointment brought anger; and anger brought resistance. It was so in the present case. The hopes of the Assembly had been raised by the language held by the Minister to their agents. Their disappointment was bitter when they learned what his conduct had been. They considered themselves insulted,—first, by the trickery of the proceeding; then, by the interference thus openly practised with affairs wholly and peculiarly subject to their own control, and they indignantly applied to Parliament for redress.

My Lords, you all know the history of the latter part of the year 1834. The Ministry was suddenly changed, and, as usual, a change took place in the colonial rule. Lord Aberdeen succeeded to Mr. Rice. That Noble Lord determined to send a commissioner to Canada for the purpose of inquiry; but before he could carry his design into effect the Ministry was again changed, and the unfortunate colonies had again to undergo a change of masters. The present Minister, Lord Glenelg, then came into office; he seized upon this idea of a commission, and multiplied the number of commissioners, making them three instead of one. Lord Aylmer was removed also; Lord Gosford took his situation, and filled at the same time the somewhat incongruous offices of governor and commissioner. The system of deceit was now in full force; every possible method of cajolery and mystification was practised, and again hopes were raised, intentionally raised, which the Ministry were determined never to satisfy. I will not now stoop, my Lords, to describe the low and degrading arts employed to trap the Assembly into voting the supplies. It was my duty to set this whole history before the people of England. I have done it fully once, and I leave, willingly and for ever, the humiliating subject. Suffice it to say, that in spite of their arts and mean devices, Sir Francis Head, whose *etourderie* has hitherto been farcical, though it has lately led to tragical results, published his instructions, and thereby discovered the intentions of the Colonial Minister, and the deception practised upon the Assembly of Lower Canada. The Assembly, therefore, refused, for the present, to pay the arrears due to the public officers. But in order to prevent further inconvenience, they voted a six months' supply, and again appealed to the Parliament of England. At this period of my argument, I must request you, my Lords, to take a retrospect of this history. At the outset I told you, that if there had been ill conduct, such as deceit, vacillation, nonfulfilment of engagements, petulance, and low arts of deception and intrigue, I would show the Assembly not to have been the guilty parties, but that I would fasten the guilt chiefly upon the agents of the Crown. Have I not fulfilled my promise? You are constantly told that the people of Canada has, since the year 1828, had all their grievances redressed; and yet I have proved to you, that in spite of all sorts of boastful promises and professions, the great grievances complained of in 1828 still remain. The Legislative Council was as bad as ever; the judges were still wholly dependent on the Crown, thus poisoning justice at its very source; the revenues, the growing revenues of the country, were withdrawn from the control of the Assembly, while the only step towards reformation was the performance, in 1831, of a promise made in 1794. But these three great grievances, the parent source of all the sufferings and all the complaints of the Canadians, were the grand subjects of complaint in 1828. They still remain in their pristine vigour; and yet we are told that all have been redressed! But during this period what had been the conduct of the Assembly? Did they act in heat and with passion? Did they call in question the dominion of the mother country? Did they, like our English colonies, prepare for armed resistance? No, my Lords, they did none of these things; but they said, "We are tired of this state of things; we have the constitutional power of regulating the supplies; and although we will carry on the Government, we will not recede from our demands — will not concede to our opponents that which they seek to tear from us,—before we learn the definite determination of the Imperial Parliament." Did this conduct deserve punishment — was there here any abuse of power? How can any one assert that by such proceedings the constitution was suspended? Peacefully, calmly, the Assembly appealed to the great governing principles of that constitution; and waited with confidence to see them produce their legitimate effects by the assistance of the Imperial Legislature. The expectations of the Assembly were, however, doomed to a bitter disappointment. I now arrive at the eventful period of 1837, and the Parliamentary proceedings respecting the Canadian difficulties. The commissioners of the Crown sent home voluminous reports, which are in every one's hands. I will not now stop to describe them. They have been condemned by all parties, and need not my helping hand to consign them to their due place in history.

But now came the grand determination of the Ministers, which may be briefly described thus: — They flatly refused to amend the Legislative Council by the mode of election. They gravely asserted that the Legislative Council required reform, and they thereupon determined to seize upon the money of the colony lying in the provincial treasury, and to apply it as they thought fit. Here was the first, the most flagrant violent breach of the constitution—a breach, too, of solem promises made in Acts of Parliament—promises made expressly to our North American colonies, and expressly on this very point of application of the provincial funds. We never, even before our experience gathered in the American revolution, dared to try so bold an experiment upon the patience and forbearance of any colony. Here was collected together, under Acts passed in reliance upon England's honour, money, the produce of three years' taxation. Safe, as the people of Canada believed, because guarded by the authority and sanction and guarantee of this country, they slept secure, although their treasure was in the hands of others, because they believed those others honest as well as powerful, and because they had our pledged faith, and honour that we would never appropriate it without their approval. Alas! alas! for England's honour! Alas! for our character for common prudence, for common honesty! When we passed those fatal resolutions we set a dangerous and fatal example of disregard of public faith and of public morals. We shook all men's faith in the most solemn compacts, and taught our subjects to believe that whatever we had the power, we should believe that we had the right, to do; that we placed ourselves above all moral rules, and decided upon our proceedings solely with reference to our own immediate power and expediency. Let us not then complain if others do as we have done, and imitate but too successfully the example we have set. Remark, however, the forbearance, the prudence, and the firmness of the Assembly at this pressing juncture. America, under circumstances far less exasperating, had at once rebelled, and successfully resisted our attempts to assert our dominion. The kind feelings of the Canadians were not so easily shaken. Although their near neighbourhood to the United States rendered their situation in case of revolt,—that is, preconcerted and deliberate revolt,—far more hopeful than was that of America formerly, still they did not call out for rebellion, or prepare for resistance. They believed that the strife would be one of no ordinary horror, and they shrank from the responsibility of beginning it. Still they determined not to yield wholly and without compromise; but they did resolve, seeing the determination of Parliament, for the present to forego their desire of an elective council, provided that the promise of reform contained in the resolutions of the two Houses of Parliament was fulfilled. The people, however, determined to try what they could do by legal means to shake the resolution of the mother country. They said—"If you determine not to do us justice, we are not bound to be your commercial customers, and we will learn to depend upon our own resources." In imitation of the Americans in 1774, non-intercourse was established, and they also resolved to settle all differences by arbitration of judges appointed by themselves. These last resolutions were of the people, be it remembered. The Assembly met in August, 1837, and to their astonishment they found the Governor asking them for money, threatening them with the resolutions of the Parliament if they refused it; and at the same time they discovered that he had done nothing to soften the rigour of this proceeding by fulfilling the promise of reforming the Legislative Council. Their answer to this demand was—"Perform the promise of reform, and then ask us for money; until that promise be fulfilled, we cannot entertain your demand." Had that promise been fulfilled in its true spirit, I am prepared to prove, by evidence at your bar, that it was the intention of the Assembly to have voted the supplies. I will adduce this evidence, and your Lordships shall judge whether they, who, through negligence or some worse reasons, did not obey the commands of Parliament are the persons who ought to be accusers in this matter—whether the accused are not the innocent—whether the accusers be not the offending parties? I here solemnly charge the Minister of the Crown, the Secretary for the Colonies (Lord Glenelg), with being the author of all the calamities which have resulted from this fatal betrayal of his duty. Whether it was indolence, incapacity, heedlessness, neglect, or intentional disregard of duty, it is not for me to inquire. I see the result, I know the cause; and I call on you, my Lords, if you seek to punish the guilty,—if you desire to make answerable those who have disturbed the peace of the empire,—who have led to the slaughter of her peaceful subjects,—who have introduced the horrors and calamities of war into the wooded vales of Canada,—to look to the culprit who sits beside you. Call on the Ministers of the Crown to answer this charge; and do not, I intreat of you, add to the misery already existing by allowing this dreadful measure now upon your table to become law, and thus render confusion and dismemberment of the empire almost inevitable. Punish the guilty, spare the innocent. Throw out this Bill, which is an injustice to my clients, and bid the

Minister of the Crown make his defence upon these grave and solemn charges. Some of you, my Lords, may smile at this idea; but be assured that posterity and the world at large will affirm the judgment which I have ventured to pronounce.

I have now, my Lords, brought to a close my history of the Assembly's proceedings. As soon as the address was passed, to the effect that I have described, they were unceremoniously dismissed, without further explanation or application. Since that moment the Assembly, which this proposed measure is to annihilate, has had no means of acting. The members composing it having returned to their homes, were scattered over a territory of above 800 miles in extent, and are not collectively answerable for any thing that has happened since. Looking back, then, my Lords, again, have I not made out my first proposition, — namely, that the conduct of the Assembly has throughout been wise, firm, forbearing, and prudent? Spite of all the various provocations they received (and I have passed, of necessity, over many, lest I should tire your patience), — spite of all the trying injuries heaped upon them,— spite of disappointment of all their most cherished hopes, — they never swerved from their path of duty, but always evinced respect and obedience to England; and yet are we now about to reward their generous zeal for their country, their confidence in us, their respect and attachment to our dominion, by degrading and insulting them and their country, making them an object for the scorn and contempt of the whole continent of America. If this be prudent, it is not just, it is not generous. The world will wonder, I fear, at our rashness, as well as at our injustice. But it may be said, it is true that the Assembly are not to blame, but the people have rebelled, and rebellion must be punished; and what so fit a punishment as depriving them of that power of self-government which they have abused? The answer to this assertion is, first, the people have not rebelled; but a portion, a small portion, of the whole broke out into a riot, in consequence of what they conceived to be a crying injustice committed by the authorities; next, in this riot there was no abuse of the powers of self-government, — there was no connection between the Assembly and the riot. The riot took place merely in consequence of some proceedings which the people thought unjust, and which they resisted. The people, in fact, had resisted the execution of certain writs, as I have no doubt your Lordships know from the newspapers. There is evidence that the Government had knowledge of the proceedings of the people for a length of time before they chose to take any notice of it; at last, however, they seemed to have discovered that a conspiracy existed somewhere, and their method of taking measures to provide for the public safety was curious. They forthwith dismissed a number of officers of militia, much in the same way as a certain Government once dismissed Earl Fitzwilliam from a high situation, for attending a meeting for the reform of Parliament: nearly in a similar way to this were those officers of militia dismissed, for attending a public meeting, and along with them were dismissed also a number of magistrates; and a new commission was issued, omitting almost all men in whom the people had confidence. Your Lordships must understand, that just at this juncture the Jury Act had expired, leaving it in the power of the Crown, by means of the Attorney General, an officer of the Crown, and appointed, paid, and dismissible by the Crown, to prick just whomsoever he pleased to serve on juries. Just at this time, Lord Gosford issued warrants against persons, on account of acts committed three months before: these were directed chiefly against M. Papineau and his associates, but not against M. Papineau himself, in the first instance; — though very significant warning was given, that it was intended to issue a warrant against M. Papineau shortly.

Such are the facts of the case: and were your Lordships called upon to disfranchise a borough, or to deprive a corporation of its charter,—upon such a case, — you would give a flat refusal; and yet here, in a case where the outrage upon existing vested interests is far more marked and extraordinary, there seems no hesitation. A small portion of the whole people, a few parishes, resist a force endeavouring to arrest certain individuals; whereupon you punish the whole nation, who could have no part in the affray, who, neither by word nor by action, aided and abetted the rioters. Compare the conduct pursed with regard to the Canadians, with that towards the people of Bristol. A dangerous riot occurred in that city; yet nobody thought of depriving the city of its representatives, nor of its charter. Look at the daily riots of Ireland, — whole counties, not parishes, declared to be in such a state as to require martial law to be proclaimed; and yet there is no proposal to deprive Ireland, or even the disturbed counties, of their representatives. Take, again, a yet more striking case — that of Scotland, in 1715 and in 1745. At those periods the whole of Scotland was on the side of the Pretender, and actually in willing subjection to him; and yet Scotland was not deprived of her representatives. Even the supposed parallel case of Boston affords nothing like the present Bill. An outrage, in that case, had been committed expressly against the authority of Parliament; the whole people of the province of Massachusetts Bay applauded the rioters, and refused to give them up, and turned out in arms to resist the Government. Yet, then, all that was proposed to be done was to give to Boston a constitution similar to that which Lower Canada now has. There was no attempt to destroy their means of self-government,—their House of Representatives remained; but the Council in Canada is to be chosen by the Crown, instead of being elected by the people. The truth is, my Lords, and we cannot hide it from ourselves or the world, this riot is but a pretext. The Ministers have found that the government of Canada, with its present constitution, was a painful and difficult matter; and they take advantage of the fright which this riot has created in Parliament, to persuade you that the source of all this confusion and terror was the House of Assembly: the fact all the time being, that the imbecility, the vacillation, and deception adopted by Ministers, have been the true causes of the disturbance. Pretences were wanted to cover this disagreeable fact, and the riot came opportunely to their aid. Nevertheless, it may still be insisted that some change is necessary, because the populations, English and French, are divided and hostile, and the French majority are said to oppress the English minority.

Having thus proved the injustice of the proposed measure, by describing and defending the conduct of the Assembly,—having, as I believe, successfully justified that much injured, much calumniated body, and repulsed the various attacks which malice and ignorance combined have made on it,—I now proceed to that part of my duty which is comparatively light and easy. I am no longer on the defensive; I am about to attack the so-called "healing measure" on your Lordships' table, and to prove it to be for good purposes wholly inadequate, while for mischief it is but too potent and effective. Let us, at the outset, clearly understand what the measure is, and what it is intended to effect. The Bill is called "A Bill for the Government of Lower Canada." Difficulties have arisen in the government of that colony,—difficulties such as I have been at some pains to describe; the machinery created by the Act of 1791 has been found not altogether perfect; the Assembly has exercised its powers in a manner to give offence; and you are, in consequence, called upon to do — what? Amend the faulty parts of the machine? so to arrange the now conflicting powers of it, that it may proceed to its accustomed and useful work? No, my Lords, this is not what you are now asked to do. The bright idea of mending the machine, by first destroying it, has suggested itself to the Colonial Minister; and, because the great mass of the Lower Canadian population are already somewhat displeased with the treatment they have received at our hands, it is deemed the height of wisdom to take a step which shall inevitably increase their discontent, and render their allegiance the result of physical coercion, and not spontaneous and affectionate attachment to our dominion. Now, my Lords, I must presume to differ entirely from the policy of this proceeding, and I will at once endeavour to show your Lordships how all the present difficulties attending our rule will be greatly aggravated by this fatal measure; — to point out to you the portentous evils with which it threatens us, the dire calamities which must of necessity flow from it. But still it may be said, something must be done. I allow it. That admission, however, does not yield anything in favour of this Bill. This measure makes bad worse; where, under present circumstances, you have one difficulty, under this brilliant specimen of colonial legislation you will have to encounter a hundred. When I have proved all this, my Lords, I will go one step further, by showing that it is wanton mischief, — that a dangerous path has been chosen, — that you have, while a safe one was open to you, adopted a course in which you have the danger of war, in which you certainly incur enormous expense, which will probably produce calamity without limit, and yet attain no security for the future;—that you do this, when it is possible with ease to allay all discontent, without incurring any danger of hostility at the present time, and also to provide for our future security from any evil that may threaten us, in consequence of the great and rapidly-increasing power of the great federal republic of North America. The Bill, in the first place, is a temporary measure. You suspend the constitution of Lower Canada till the year 1840, and in the mean time you send out a dictator. The question immediately arises, — in what better condition do you suppose you will be in the year 1840 than now? What do you suppose will take place when the constitution revives? Will not the same difficulties which now beset and obstruct it revive also? But we intend to provide against them. By what means? and why are those means not at once adopted? Why do you not now amend the constitution in place of destroying it? You know the whole case, — more information cannot be obtained. Why, then, delay to act? Why? Because they who have the power have not the courage to face the real difficulties of the question. This sending out a dictator, this temporary suspension of the constitution, is a part of the old system which has produced the present crisis. The great object of all Ministerial endeavours seems to be, to stave off a difficulty. Manfully to grapple with it requires courage, requires knowledge; and courage and knowledge are qualities, unfortunately, which are far too rare in the rulers of mankind. At this moment the Ministers of the Crown are reduced to this dilemma, — either they know what ought to be done, or they do not. If they do know what ought to be done, there is no need of delay; if they do not now know, they never will. Let us not, however, hide the truth from ourselves. They who have governed England and her colonies for the last six years, have been always halting between two opinions, and subject to the influence of two sorts of principles diametrically opposed. They have obtained power under the guise of liberality,—under the promise and pretence of reform. They have endeavoured to retain power without any fulfilment of their promises. The consequence has been, that their government at home, and in our colonies, has been one continued shuffle. They have allowed expectations to arise that they determined not to satisfy. They seek to make men live upon hope, and themselves desire to enjoy all the odour of liberality. Discontent, however, attends disappointment; and all our present difficulties in Canada are the result of discontent and anger, raised by the disappointment of hopes produced by this unwarrantable system of promise without performance. Habits, however, are not easily eradicated; the Ministers of the Crown will not take lessons from experience, and are determined to continue their old game of procrastination and delay.

But, my Lords, I appeal fearlessly to your common sense, and to your honour and your honesty;—and I ask of you, possessed as you are of all the knowledge which the case affords or requires, whether it would not be more prudent, more honourable, more honest, at once to say what you will, — what you will not, — do, to satisfy the wishes of your colonists? Take your measures like bold, like honest men; tell us what they are; establish your system of colonial rule, — that system to which you determine to adhere, — and at once frame that machine of colonial government which you believe to be the best one. Do this, and there is no need to suspend the constitution of Canada. Change it, if you so determine; but do so at once, and do not fly to subterfuge. Do not come with hypocritical pretences of sorrow,—hollow lamentations over the necessity which compels you to act, and, under the guise of sham liberality, — perpetrate this crying outrage against common sense and common honesty. If you intend permanently to destroy the representative government of Lower Canada, say so at once, and do it avowedly and openly; and do not, I entreat of you, adopt the poor, the paltry screen, of saying that you "suspend" it only. If you do not intend to destroy, but to amend it, let us at once know what those proposed amendments are. For your own sakes, for the sake of that connection between this country and the colony, which all in this House, and most of those in the other House of Parliament, prize so highly, I beseech you, my Lords, to adopt this manly, this honourable course; for depend on me when I tell you, that the moment this Bill becomes a law, all hope of any peaceful maintenance of that connection may, at once and for ever, be discarded. I know the people of whom I am speaking; I know the circumstances by which they are surrounded; and, without hesitation, I assert, that they will deem this measure one of great, of unmitigated injustice — they will consider it part of a system, and that system they will believe to have for its object the establishment of such a colonial domination as will leave them but the shadow of freedom. They will feel that this measure is an insult as well as an injury; it will degrade them in their own esteem, — it will degrade them in that of their neighbours. They will make comparisons between their own position, and the happy situation of the free citizens of the United States; and they will, while they imprecate curses upon the rule under which they are compelled for a time to crouch, look with longing eyes to that mighty people who dwell near to them,— and will in secret cherish the darling hope, that the fortune which ever pursues its attempts to put down the excitement now existing on their northern frontier in favour of the Canadians? This excitement has been created simply by the fact of revolt against the mother country (for as yet they know nothing of this measure of revenge). Their own revolution is ever in their thoughts. The cases, in their opinions, seem almost identical; and they believe that the God of the oppressed bids them aid and assist the Canadians. The revolt, in spite of all these formidable difficulties, may be suppressed; but where is your security for the future? Your well-trained soldiers may defeat the rebels, but they cannot convert them into attached and faithful subjects. Every act of this fatal tragedy only renders more certain the painful, and to us, humiliating, result. Hostile separation, and war with the United States will, some day, inevitably follow. Then, my Lords, see what follows that! This already too gigantic power will add to her union the whole continent of America. They are shallow politicians who cannot see the immense temptation which is held out by the free navigation of the St. Lawrence to all the northern states of the union. The very question which, of all others, appears most likely to create dissension in the union, namely, that of slavery, renders, under present circumstances, the annexation of the Canadas, as a counterpoise to Texas, almost inevitable, unless timely and wise precautions be taken by England to prevent it. Can such precautions be taken? Do any means exist by which this fatal junction might be prevented, and our discontented colonies firmly attached to our dominion? My Lords, I think there are such means, and to those means, — to that measure which ought to supersede the direful experiment you are about to venture on, — I will almost immediately apply myself, and shortly describe it, as the best apology I can offer to your Lordships for the trial I have made of your patience and attention. I would, however, before I do this, add a few observations upon the consequences likely to result from the precious specimen of legislation before your Lordships. It is clear that this suspension of the Canadian constitution is not needed for the suppression of the revolt. It is clear, also, that the Noble Lord who is to be dictator of Canada is not to employ his powers to that end, otherwise he would proceed immediately to his government, and not await the coming of fine weather in the spring. Except, then, for purposes of vengeance, the objects of this Bill are all prospective. By the preamble, as it originally stood, and also by the instructions to Lord Durham, which have been printed, we are told that one of the means which his Lordship will adopt for the future better government of Canada is, the calling together of a convention; and the members of this convention in Lower Canada are to be elected by the people of that country.

Now, at this moment, I will say nothing as to the wisdom or folly of this proposed arrangement, but I will call attention to this remarkable circumstance: — the very same persons, namely, the Ministers of the Crown, who dread the assembling of the Parliament of Lower Canada, who dread also a new election, yet have no fear of calling the people together for the election of delegates to a convention. It is obvious, then, that they do not fear assemblies of the people. What, then, do they dread? and why do they not allow the Noble Lord who is to go out as pacificator — after peace is established — why not allow him to call together the Canadian Parliament? I have heard a whisper and a suggestion in the other House of Parliament, which, to me, explain the mystery. There will be some plan devised to narrow the constituency of that country, and the ignorant meddlers in politics who have hitherto ruled the destinies of that unfortunate colony, are so blind as not to see the consequence of such an attempt. You are told, my Lords, that all the wealth of Canada is in the hands of the English, and you believe what you are told. Now, hear my version of the story: all the real wealth of the country is in the hands of the agricultural community, and they, for the most part, are French, while the pretended riches of the merchants of Montreal and Quebec, who are chiefly English, are more in show than reality. Few are rich — few are solvent; and the real cause of their furious outcry is the dread of bankruptcy in peaceful times. Create a riot, — and to be a bankrupt will not be dishonourable. Keep the country quiet, — and if they break, then men will scan closely the honesty of those who have deluded their creditors. However, make your electoral qualification higher; try the experiment; and you will not have one Englishman in your new Parliament. Your only chance is, by extending the suffrage; but this does not accord with notions predominant here; and we are all but too prone to fancy the rest of the world like ourselves in every particular. The Noble Lord who is about to go on this mission of supposed peace, will find all his plans of good ruined by the suspicion attendant on this Bill. He is popular, it is said, in this country. I suppose that he is known to the people by some great achievement in their favour, by some great service rendered them. But to the Canadian people he is unknown, except as the dictator who strides over the ruins of their constitution, and the near connection of one they deem their bitterest enemy. He may surround himself with pomp and parade; he may enact the viceroy, and play with what effect or vigour he pleases, the farce of mock royalty; but when he sends this Bill as his harbinger, be assured that he will play to empty benches: he will be no popular favourite; and, though a star from London, the provincials will not run after him. Some few fools may gape and cry, " God bless him! " but the national feeling will be such towards him, that no man need envy him his power, even with all its tinsel concomitants; nor will he, if he have the heart of a man, long stand up against the concentrated hatred and indignation that will, on all occasions, break out against him who could seize this unhallowed sceptre, and consent to play the dictator over an injured and a helpless people. Perhaps, in the day of his failure, he will remember the words uttered this night. But what, then, ought to be done? Let me answer that question in one sentence:—Do justice to Canada. You seek to retain your dominion, you wish to maintain peace, you desire to have your colony a profitable possession. If you wish these things, reign over them with justice; but justice here means — grant the demands of the people. What are they? Freedom from irresponsible rule. The interests of England are in this the same as those of the colony. England gains nothing by an irresponsible Legislative Council. Give the people a Government which shall provide for their interests and for yours, and not for those of the hungry band who have so long preyed upon the vitals of the colony. How is this to be done? As follows: — A careful and provident statesman would, in all his measures respecting the present government of Canada, keep a steady eye on the future destinies of the colony — would be careful so to arrange his plans as to render it impossible that any junction with the United States and our present colonies should ever take place. The present condition of those provinces gives you an opportunity of doing both the things which you should now seek to effect, namely, to allay the discontents of the Lower and Upper provinces, and to provide against the extension of the power of the United States. The mode of allaying the discontents of Canada I last year propounded to the House of Commons, and have lately again set forth to the head of her Majesty's Government. That plan contemplated the abolition of the Legislative Council, and the creation of a council of advice, to be chosen by each successive Governor. By this means responsibility would be fixed upon a single person, who would have all the advantage that could be derived from advice. In order to protect the general interests of the colonies, and England's interests, it was proposed that there should be a general assembly, composed of persons elected by the various legislatures of the different colonies;—that by a written code, the powers of this body should be determined; one of their functions being to hear impeachments preferred by the colonial Legislatures. Besides this body, it was proposed to institute a superior court of judicature, to try all judicial questions between the several colonies, — and such as should arise from calling in question the limits of the powers exercised by the general assembly, and the several colonial Legislatures. Such a machinery as this would keep your colonies in one compact body — would keep them separate from the United States; and when the time comes, — as come it will, — in which they are to be independent of our dominion, they might form themselves into a northern confederation, balancing and controlling the powers of the United States of America. Such, my Lords, is my plan of pacification, to which no objection can be brought, but that which results either from misconception of the real interests of England, or a too nice perception of personal interests. But before you decide upon this or any other plan, I would beseech you, my Lords, gravely and seriously to inquire into the benefit which you hope to derive from opposing the general wishes of your colonists; and then, to set against this supposed benefit, the real evils which you brave, by obstinately opposing yourselves to the just wishes of our fellow-subjects. At this moment every one of you must feel that war with the United States has been risked by this insane quarrel with our colonies. No greater calamity could happen to mankind than such a war; and yet have we heedlessly — (may I not say criminally?) — incurred the danger of it; and for what? To maintain a wretched band of hungry officials in the possession of ill-used as well as ill-gotten power—to shelter a few peculating servants from the just indignation of their robbed and insulted masters. This, my Lords, is the real end of all our great expense, of all our loss of money, time, and blood;—the magnificent object for which we have stayed all improvement in Canada,'—for which we now seek to outrage the feelings of the whole continent of America, — for which we have already risked the chance of the most disastrous calamity which ignorance and wickedness, combined, could inflict on mankind! Is not this, my Lords, a noble requital for such a risk? And are we not, by our proceedings, exhibiting to the world a scene humiliating to the national character for sense, for honour, and generosity? To you, my Lords, as the supposed guardians of our ancient honour, I appeal, to save us from this degradation and disgrace. I will not trespass further upon your Lordships' indulgence, but will reserve to myself the right of calling, with your permission, at a future stage of the Bill, evidence to prove the various facts which I have stated in the course of my address. I will conclude by reading to your Lordships a protest, which stands recorded on the Journals of this House, in reference to the great American question, and signed by several illustrious individuals.

> The dissentients here remark, that, whilst we lament the effusion of English blood (which, we hope, has not been greater, or other than necessity required and honour justified), we should most heartily congratulate his Majesty on any event leading to the most desirable end of settling a peace which may promise, at last, the restoration of the ancient affection which has happily subsisted, in former times, between this kingdom and its colonies. Any other would necessarily require, even in the case of a total conquest, an army to maintain, ruinous to the finances, and incompatible with the freedom of his Majesty's people. We should even look with the utmost shame and horror on any events, of what nature soever, that should tend to break the spirit of any large part of the British nation, to bow them to an abject, unconditional submission to any power whatsoever, to annihilate their liberties, and to subdue them to servile principles and passive habits by the mere force of foreign mercenary arms. Because, amidst the excesses and abuses which have happened, we must respect the spirit and principle operating in those commotions. Our wish is, to regulate, not to destroy them; for, though differing in some circumstances, those very principles evidently bear so exact an analogy with those which support the most valuable part of our own Constitution, that it is impossible, with any appearance of justice, to think of wholly extirpating them by the sword in any part of his Majesty's dominions, without admitting consequences, and establishing precedents, the most dangerous to the liberties of this kingdom.
>
> (Signed) MANCHESTER.
> KING.
> EFFINGHAM.
> RICHMOND.
> SCARBOROUGH.
> ABINGDON.
> DE FERRERS.
> PORTLAND.
> CRAVEN.
> FITZWILLIAM.
> PONSONBY.
> DEVONSHIRE.
> ROCKINGHAM.
> ABERGAVENNY.

LORD BROUGHAM.—As the learned counsel who has advocated the just claims of the Canadian people with such distinguished power and ability proposes, at a future stage of the Bill, to tender evidence in support of the allegations which he has just made, I think that the best course for your Lordships to pursue will be to go at once into the committee, and then, at a future stage of the Bill, should your Lordships be so minded, you can hear the evidence which the learned counsel says he is ready to produce.

LORD GLENELG. — I propose that your Lordships go into committee upon the Bill.

LORD BROUGHAM.—Mind,—I wish it to be understood as my opinion, that it is by no means a matter of course that such evidence should be heard at your Lordships' bar. For my own part, I do not intend to offer any vexatious or harrassing opposition to the committee on the Bill, though I differ in every respect, not only from the principle but also from the details of it. I should, however, reserve any observations which I have to make upon it to a future opportunity, if I thought it worth while, which I scarcely think it is, to trouble your Lordships with any further objections that I may have to the measure.

The EARL of RIPON. — In consequence of what has fallen from the learned counsel at the bar, I feel it necessary to make one observation before your Lordships go into committee. If this Bill be right at all, it is so because the acts of the House of Assembly have, *de facto*, suspended the constitution of Lower Canada. Your Lordships are, therefore, compelled either to assent to this Bill, or to some other Bill of a similar kind.

The House then went into committee, and the Bill was reported, without amendment; to be read a third time on Thursday next; and the Lords summoned.

The EARL of ABERDEEN.—I beg leave to observe that there is a clause by which it is provided that this Bill, when it is proclaimed by the Governor of Canada, shall immediately take effect. Now, I wish to know whether it is intended that the Bill shall wait for proclamation until the arrival of the Earl of Durham in Canada, or whether it is intended to give a discretionary power to Sir John Colborne, as acting governor, to proclaim it when he shall think fitting?

LORD GLENELG.— In answer to the question of the Noble Earl, I beg to state, that it is intended that Sir John Colborne shall have the power to carry the Bill into effect before the arrival of the Noble Earl appointed by Government.

PAPERS.

Accounts of the present rate of charge per folio for copies of proceedings in the Masters' Offices of the Court of Chancery. And, also, accounts of fees received in the Offices of the Masters of the Court of Chancery, in each of the years ending respectively on the 25th of November, 1833, and the 25th of November, 1837.

Severally delivered (pursuant to order of the 19th of December last), and to be printed.

Statement of the funds of the museum of the late Sir John Soane, on the 5th of January, 1838.—Delivered (pursuant to Act), and ordered to lie on the Table.

Resolutions of the Court of Directors of the East India Company, being the warrants or instruments granting any pension, salary, or gratuity.—Delivered (pursuant to Acts), and ordered to lie on the Table.

List specifying the particulars of compensation proposed to be granted to certain persons late in the service of the East India Company, under an arrangement sanctioned by the Board of Commissioners for the Affairs of India (Nos. 80., 81., and 82.).—Delivered, and ordered to lie on the Table.

Particulars of all compensations, superannuations, allowances granted by the Court of Directors of the East India Company, and confirmed by the Board of Commissioners for the Affairs of India, between the 1st of January and the 31st of December, 1837 (under the authority of the Act 3 and 4 Will. IV. c. 85. s. 7.), to persons who have been employed by or under the East India Company whose interests have been affected by the discontinuance of the said Company's trade, and who have been reduced.—Delivered (pursuant to Act), and ordered to lie on the Table.

Account of allowances, compensations, remunerations, and superannuations granted to the officers and servants of the Board of Commissioners for the Affairs of India and the East India Company, in 1837.—Delivered (pursuant to Act), and ordered to lie on the Table.

Account showing the value of all articles imported into the United Kingdom from each of the North American provinces, in each year from 1827 to 1836, both inclusive. Also account showing the value of all articles exported from the United Kingdom to each of the North American provinces, in each year from 1827 to 1836, both inclusive. And, also,

Account showing the amount of duty levied in the ports of the United Kingdom and of the British colonies and dominions beyond sea respectively, upon each article imported from the North American provinces, and upon similar articles imported from foreign countries (so far as relates to the duties levied in the ports of the United Kingdom).

Severally delivered (pursuant to order of the 23d of January last), and to be printed.

Return of the dates of all despatches from Sir Colin Campbell, Lieutenant Governor of Nova Scotia, in which a supply of additional forces to that colony was requested during the year 1837; the dates of the receipt of such despatches; the dates of the answers to them.—Delivered (pursuant to Address of the 31st of January last), and to be printed.

Adjourned.

HOUSE OF COMMONS.

PRIVATE BUSINESS.

Farringdon Street, London; City of London Police; Barnsley Small Debts; Lough Foyle Drainage. — Petitions for Bills. — Severally referred to the Select Committee on Petitions for Private Bills.

Edinburgh and Glasgow Railway. — Petition from Paisley in favour of the application. — To lie on the Table.

Edinburgh and Glasgow Railway. — Petition of the Earl of Hopetoun and James Hope, Esquire, complaining of non-compliance with the Standing Orders. Referred to the Select Committee on Petitions for Private Bills.

PUBLIC BUSINESS.

PAPERS, &c.

The following Papers and Returns were severally presented at the Bar; namely,

Soane's Museum. — Statement of the funds of the museum on 5th of January, 1838 (by Act).

Slavery Compensation. — For the return of all sums paid to defray the expenses of the commission of slave compensation (ordered 6th December).

Public Monuments. — Return of monuments erected in Westminster Abbey and St. Paul's at the public expense from 1750 (ordered 21st December).

Turnpike Roads. — Return of turnpike roads indicted by the Post Master General in the last twelvemonths, on account of their insufficient state of repair (ordered 30th of November).

Commercial Daily List. — Copy of memorial to the Treasury, and correspondence respecting the Commercial Daily List (ordered 2d February).

Factory Act. — Return of persons summoned for offences against the Factory Act (ordered 14th of December).

Prisoners. — Return of prisoners in custody on the 27th of November, 1837, for trial at sessions (Address, 24th of November).

Bradford Poor Law Amendment Act.— Return of the metropolitan police sent to Bradford, with correspondence on the subject (Address, 11th of December).

Public Buildings. — Copy of correspondence respecting free admittance to public national buildings, museums, &c. (Address, 11th of December).

Court of Exchequer (Scotland). — Return of causes instituted and decided in the Court of Exchequer in Scotland in 1837 (by Act).

Dublin Police — Statement of receipts and payments on account of the metropolitan police, to 31st of December, 1837 (by Act).

MISCELLANEOUS PETITIONS.

The following petitions were severally presented; namely: —

Postage, — By Mr. WALLACE, — of the Chamber of Commerce and Manufactures of Edinburgh, praying that the House will sanction no experiment on Mr. Hill's plan but what is based on its main principles.

Morning Mail (Scotland). — By Mr. WALLACE, — of the Chamber of Commerce and Manufactures of Edinburgh, for the establishment of a morning mail to Scotland.

The above petitions were ordered to lie on the Table, and to be printed.

Sale of Beer Act, — From the guardians of the Thornbury union, for amendment of.

Education, — By Mr. HUME, for the establishment of a national system, — from Bath (corporation), Drighlington, and members of the Poplar Institution.

To lie on the Table.

Postage, — Of the corporation of Bath, for the establishment of a uniform rate of postage, and the more frequent transmission of the mails. — Referred to the Select Committee on Postage.

Highway Rates Bill, — From Harberton, Halwell, and Littlehempston, against. In favour of the same Bill, — from trustees of the turnpike road from Leatherhead to Stoke, near Guildford; and trustees of the Saltash turnpike roads. — Severally referred to the Select Committee on the Bill.

Poor Relief (Ireland) Bill, — By Mr. O'CONNELL and Mr. VILLIERS STUART, in favour, — from city of Dublin, union of Comcies and Ballinadee, and Abington.

Post Horse Duties, &c., — From Hexham, for repeal of the duties on horses, carriages, guards, and coachmen.

Fire Insurances, — From Drogheda, for reduction of duty on.

Ballot, — By LORD ALBERT CONYNGHAM, Mr. HUME, and other Honourable Members, in favour; — from Canterbury, Jedburgh, Middleton, and Perth.

Negro Apprenticeship, — By Mr. PEASE, SIR GEORGE STRICKLAND, Mr. ANDREW WHITE, Mr. BAINES, Mr. EDWARD BULLER, and other Honourable Members, for abolition of the system, — from Frome Selwood, Cotherston, Dent, Darlington, Boroughbridge, Aldborough, &c.; Sunderland, Cawood, Edenderry, Roscrea, Mountmelick, Moate, Walsall, Etruria, Shelton, and Culmstock.

Olive Oil, — By Mr. PEASE, — from Darlington, for reduction of duty thereon.

Thomas Parkin, — Of Thomas Parkin, complaining of the infringement of his patent for improving the construction of railways, by the London and Croydon Railway Company.

Rating of Tenements Bill, — By Mr. HINDLEY and LORD VISCOUNT SANDON, against, — from Ashton-under-Lyne, Liverpool (Guardian Society), and Liverpool (select vestry).

Recovery of Tenements Bill, — By LORD VISCOUNT SANDON, — from Liverpool, in favour.

Municipal Corporations (Scotland), — From Forfar, for reform.

Church of Scotland, — From Brechin, against any further endowment.

Sheriff Courts (Scotland) Bill, — Of procurators before the sheriff court of Ross, against.

To lie on the Table.

Fictitious Votes (Scotland), — From Jedburgh, complaining of the creation of fictitious votes in that burgh. — Referred to the Select Committee on Fictitious Votes (Scotland).

Sodor and Man Bishoprick, — By SIR R. INGLIS, — from Darlaston, against the suppression of.

Poor Law Amendment Act, — By LORD VISCOUNT EBRINGTON, — of guardians of the union of Okehampton, against repeal. — Referred to the Select Committee on Poor Law Amendment Act.

Glasgow Cotton Spinners, — By Mr. WAKLEY, for mitigation of their sentence, — from Huddersfield, signed by 2234 persons; from Glasgow, signed by 990 persons; chairman of a meeting of cordwainers, of London; members of the Carpenters and Joiners Literary and Scientific Institution, held in Rahere Street, Goswell Road, Middlesex; Shoreditch; chairman of a meeting of inhabitants of Paisley; and carpenters, members of a trade society held at the Ivy House Tavern, Goswell Street, London. — To lie on the Table.

PUBLIC PETITIONS COMMITTEE.

Sixth Report brought up, and read. — To lie on the Table, and to be printed.

JOINT STOCK BANKS.

The CHANCELLOR of the EXCHEQUER. — I beg to give notice that I shall, to-morrow, move for leave to bring in a Bill to amend the law with respect to clerical members of joint stock companies.

Mr. HUME. — I beg to inquire whether the Government intend to renew the committee on, or take any measures with respect to, the Bank of England?

The CHANCELLOR of the EXCHEQUER. — In the course of next week, I shall propose the re-appointment of the committee on joint stock banks.

Mr. HUME. — Will it be open to the

committee to inquire into the conduct of the Bank of England during the last eighteen months?

The CHANCELLOR of the EXCHEQUER.—It certainly is not my intention to propose any question before that committee, the tendency of which would be to alter the arrangements deliberately entered into between this House and the Bank of England; at the same time, I think it would be impossible for the committee to consider the state of banking generally throughout the country without taking into account a certain portion of the proceedings of the Bank of England, as connected with the circulation of the country.

Mr. HUME.—It is not my intention to propose any alteration in the agreement that has been made with the Bank of England, but I wish to know how that agreement is to be carried out? I shall therefore move, whenever the proposed committee shall be appointed, that the inquiry shall be extended into the conduct of the Bank of England. I also want to know what is to be done with the Bank of Ireland, as the expiration of its charter is fast approaching?

The CHANCELLOR of the EXCHEQUER.—I propose to proceed with the inquiry on joint stock banks, before any measures shall be taken with regard to the Bank of Ireland.

MR. PRIMROSE.

Mr. HUME.—Observing by the public prints that "Mr. Primrose" has been appointed to a situation in the Post Office in Edinburgh, which I understand is a perfect sinecure, I wish to know whether such an appointment has really taken place?

The CHANCELLOR of the EXCHEQUER.—I know nothing, at present, of the appointment.

QUARTER SESSIONS.

SIR E. WILMOT.—I beg to ask whether the Noble Lord (Lord J. Russell) intends to comprehend in his measure relating to the proceedings at Quarter Sessions, the administration of the finances?

LORD J. RUSSELL.—I am not able to answer that question at present. When the Bill is introduced, the Honourable Member will have an opportunity of examining its provisions, and proposing such amendments as he may think needful.

TARIFFS.

Mr. BAINES.—I wish to ask whether the Government has directed its attention to the alteration of the French tariff on linens and linen yarns?

Mr. P. THOMSON.—As soon as the Government heard of the rumour of the intention to alter the duties on linens and linen yarns, no time was lost in making representations at Paris against the proposed change; but from the communications made to me, I am not led to hope that, the decision which the French Government will come to on that point will be very satisfactory to myself, or to the Honourable Member.

HANDLOOM WEAVERS.

Mr. FIELDEN.—I wish to ask what measures have been taken by the commissioners of inquiry, with respect to the suffering handloom weavers?

LORD J. RUSSELL.—I am unable to give the Honourable Member the information he desires. At the same time, I take the opportunity of asking the Honourable Member whether he has given any persons authority to collect meetings to oppose the introduction of the New Poor Law system in his neighbourhood?

Mr. FIELDEN.—I have thought it my duty to instruct two persons to inquire into the operation of the New Poor Law, and I have reason to believe that they have done nothing to promote disturbance. If they have, they have gone beyond their instructions, and no one would regret the circumstance more than myself.

NEW WRIT.

Mr. E. STANLEY moved for a new writ for the Elgin district of burghs, in the room of Sir A. L. Hay, who has accepted the governorship of Bermuda.

THE KILLARNEY STEAM VESSEL.

LORD VISCOUNT EBRINGTON.—I am desirous of asking my Right Honourable Friend the President of the Board of Trade whether, in consequence of the late calamitous wreck of a steam vessel on the coast of Ireland, the attention of her Majesty's Government has been drawn to the expediency of framing some legislative measure to regulate the equipment and cargo of vessels of that description, carrying passengers, on the same principles that were formerly applied to the regulation of the sailing passage ships, so as to secure steam boat passengers from the dreadful risk to which they are rendered liable by the present management of such vessels?

Mr. P. THOMSON. — In reply to my Noble Friend, I would observe, that the event to which he has referred has occurred so recently that it is quite impossible the Government can have decided upon any measure with referrence to that specific occurrence; but I admit that the subject is one that is well worthy of the most attentive consideration, and it is unquestionably of the greatest importance to ascertain whether, in regard to steam boats generally, some restrictions cannot be imposed, with respect to their cargoes similar to those which exist in regard to other vessels carrying passengers.

JOINT STOCK COMPANIES.

Mr. ORMSBY GORE. — Seeing the Right Honourable the Chancellor of the Exchequer in his place, I wish to ask a question, whether it is the intention of her Majesty's Government to propose any measure in consequence of the recent decision of the Court of Exchequer relative to joint stock companies?

The CHANCELLOR of the EXCHEQUER. — In answer to the question which has been put to me by the Honourable Gentleman, I beg to state, that before the Honourable Gentleman came down to the House this evening, I had given notice of my intention to-morrow to move for leave to bring in a Bill on the subject.

GLASGOW COTTON SPINNERS.

LORD ASHLEY. — I beg to ask the Noble Lord the Secretary of State for the Home department, whether he has received an authentic copy of the evidence taken at the trial of the Glasgow cotton spinners; and if so, whether he would have any objection to lay it on the table of the House?

LORD JOHN RUSSELL. — Not having applied to the learned judge before whom the trial of the Glasgow cotton spinners took place for a copy of the evidence alluded to by the Noble Lord, I have not received any such document; and if I had, I should not feel myself justified in producing it.

HOUSE OF LORDS.

Mr. W. S. O'BRIEN. — Seeing the Honourable Baronet the Member for North Warwickshire in his place, I will take the opportunity of asking, whether he has effected any thing with regard to the accommodation of Members of the House of Commons in the House of Lords?

SIR EARDLEY WILMOT. — I beg, in reply to the Honourable Gentleman's question, to observe, that I have been informed by a Member of the Government that some communication has been entered into with the Upper House upon the subject, but what has been the result I cannot say.

COMMUNATION OF TITHES.

Mr. PARROTT. — I will take this opportunity of giving notice that, some day in March, I will call the attention of the House to the causes which obstruct the commutation of tithes in England and Wales, with a view to their removal.

POOR LAW BILL (IRELAND).

On the motion of LORD JOHN RUSSELL, the Order of the Day for the second reading of this Bill having been read, —

SIR C. STYLE said: — Sir, I feel bound on this order being read, to offer a few observations with regard to the proposed measure. Now, although I consider this Bill insufficient for the purposes for which it is intended, and that it will entail heavy expenses without corresponding advantages; — yet Sir, notwithstanding these objections, I cannot reconcile it to my conscience to withhold my support from the second reading; and, rather than that the poor of Ireland should remain without any poor law for another year, I believe I should be inclined to vote for a measure even more objectionable in its details that the present. The first thing that occurs to me, as objectionable in the principle of this Bill is, that, whatever may be the cost of this measure, a considerable portion of the burden is to be imposed upon a class of individuals who are unable to support it, and who, in justice, ought not to be called upon to pay it. By this Bill, all persons occupying lands, even of the value of 5*l*., are to be made liable to the payment of one-half of the poor rates. Now, how is it possible that these persons can bear the burden thus imposed upon them, when we know that persons occupying a much higher station as tenants of lands are in a state of almost destitution? I am aware it may be said that those persons are relieved from the charge which now devolves upon of supporting mendicancy by voluntary contributions of food. But this Bill entirely alters the nature of the payment. The assistance which is now given to the poor is given voluntarily; but the rate to be levied under this Act is compulsory, and a money payment. Then, this law is to be carried into effect by a most expensive and complicated machinery, which never can work well. Again, what strikes me as most essentially objectionable in this Bill is, that it does not confer any right of relief on any class of destitute poor. This Bill leaves the extent of relief to be given to the poor entirely to the discretion of the poor law guardians; — it will remain discretionary with them whether the destitute poor shall have relief or not; — it will remain with them to say whether they will grant relief in all cases of destitution that are brought before them, or in some, or in none: for the Bill expressly provides, that the guardians of the respective unions shall, at their discretion, make order for the relief of the poor as they shall think fit. But when I consider the difference of opinion that may exist between the framers of this measure and those persons who will be intrusted with the execution of this system of poor laws, as to what constitutes the degree of destitution which ought to entitle the poor to relief, I cannot but be very apprehensive that these poor law guardians, — that is to say, the ratepayers themselves, the individuals whose immediate interest it will be to curtail the relief within the narrowest possible limits — that these poor law guardians, speaking the voice of the ratepayers, will take a very limited view, indeed, of the number of persons who ought to receive relief under the provisions of this Bill. I, therefore, am disposed to think, that if it be intended that this Bill should be what it professes to be, — a Bill for the more effectual relief of the destitute poor in Ireland, — it should give a right to relief to such persons as are destitute and unable to support themselves by their own industry, or by other lawful means; and, likewise, that the nature of that relief should be such as to make it practically applicable to the extent of the destitution which exists in Ireland. I will endeavour to show, that by denying a right to relief, and by restricting the mode of administering that relief to the workhouse, the Bill must prove insufficient to its professed object; and, likewise, that it will be by no means effectual as a measure for remedying, even in the slightest degree, the cause of the destitution which exists in Ireland — that is, the total want of employment for the people. Why, what is this Bill? It is a Bill that, perhaps, may be the means of affording relief, in workhouses, to 80,000, or, perhaps, 120,000 persons; and this, together with certain powers conferred upon the Poor Law Commissioners, for raising a sum of money by way of poor rate for the purposes of emigration, is the full amount of relief which it is intended to confer upon the destitute poor of Ireland.

Now, Sir, if this Bill be, as its framers assert, sufficient to meet the necessities of the case, let us, for one moment, consider what is the amount of destitution which actually exists in Ireland. And in endeavouring to form an opinion on this subject, I will not revert to the amount of relief given in England, or the number or description of persons who receive that relief; for I have been told, that in making a calculation on such a basis, the results must be quite erroneous, and must give an exaggerated statement of the amount of destitution in that country. I think, however, I am justified in referring to the evidence and the information which was collected by the commissioners of inquiry into the state of the poor in Ireland. I am aware that it has been objected, that the commissioners of inquiry were mistaken in many of their calculations, and that they confounded poverty with destitution. But I would ask whether the description which they give of the Irish peasantry is not such as to place the latter in that scale of human misery which falls so far below poverty as to make them fit objects for that relief which should be afforded by a poor law? The commissioners state, that vast numbers of the peasantry have not, during a considerable portion of the year, a sufficiency of food;

that they have not the means of procuring raiment for the purposes of absolute decency; that they live in dwellings that are a disgrace to any civilised nation; that they lie at night, huddled together in crowds, on the damp floor of their hovels, without the slightest regard to age, to sex, and relationship. Now, this is really the case of the poor in Ireland; and I should like to know what further degree of human suffering they are required to bear, before it is considered that they have arrived at "that state of destitution which constitutes a claim to relief?"

Well, Sir, the Report of the commissioners shows that there are nearly two millions and a half of human beings in this state of wretchedness and misery. Now, admitting that this Report of the commissioners has exaggerated by one half the amount of destitution, still I maintain that this measure is totally insufficient to reach even to that extent. Why, allowing that you carry out this Bill to its utmost possible extent, — that you even double the contemplated extent of workhouse accommodation, — still it will be insufficient. Indeed, it is physically impossible, so long as you limit the giving relief, and within side the walls of the workhouses, that the relief so given can be made commensurate with the extent of destitution; for you cannot build up in workhouses two millions, nor one million, no, nor even the half of one million, of human beings in Ireland, when the peculiar habits and feelings of the people of that country are taken into consideration.

Nor is it by shutting up two or three hundred thousand persons, — the lame, the impotent, and the mendicant, — in the workhouse, that we shall get at the root of the evil, or that we shall give any effectual relief to the Irish poor. It is employment that the poorer classes of Ireland require, and not workhouses; employment whereby they may obtain that decent and independent subsistence which, while it ministers to their physical necessities, will, at the same time, tend to elevate them in the scale of moral and social existence. I also deny that we shall, by the present measure, remedy, in any degree, another great evil that now exists among the peasantry of Ireland — that of the Irish peasant having no security whatever for even his present miserable subsistence, unless he be the occupier of some wretched patch of ground; for the Bill confers no right on such a person to claim relief, nor holds out any prospect to him of obtaining employment; and therefore no feeling of security is created in his mind, that whatever may be his necessities, the relief provided by this Bill will be extended to him, for the administrators of the law will have the power of refusing it, even if they have the means of granting it to the fullest extent required. And thus the fierce struggles which are now maintained among the peasantry of Ireland for the possession of land will continue unabated, and this great evil, which is the real cause of all the barbarous murders, and of the insecurity of life and property in that country, will be still left without a remedy. It would, in my mind, be an idle waste of the time of the House, were I to bring forward facts to prove that which is already well known to all who are acquainted with the administration of the land in Ireland, that to this cause are to be attributed all the misery, the crime, and the outrages that are committed in that country. It is also a well-established fact, that there is scarcely a landed proprietor in Ireland who dares to make the slightest alteration whatever in the distribution of his property, without incurring the danger of raising an insurrection in the country around him.

Now, Sir, it does appear to me, that the time has arrived when we can no longer remain in this state. We must devise some decisive measure to enable us to grapple with all the difficulties with which the question of the social condition of the people of Ireland is surrounded. In my opinion, — with every feeling of the difficulty of the undertaking, and with every deference for the opinions of others, — the only course is, at once, and without delay, to place the landed proprietors in that position in which they will be compelled to find either employment or subsistence for the poor. They ought to be made to do that which they have so long neglected to do — namely, to employ the vast mass of labour which now exists in Ireland, in a torpid state, and which might be so profitably employed. I believe that a poor law, recognising a right to relief in all classes of the destitute poor of Ireland, would be the means of effecting this end; and this must be extended, in my opinion, to out-door relief, in order to be able to meet the amount of existing destitution.

Now, Sir, I know that it has been said, that if a poor law, to the extent which I propose, were carried out, it would absorb a great part of the rental of Ireland. I have no doubt that such would be the case if the landed proprietors were to look supinely on, and be content to pay for the subsistence of the people instead of giving them employment. But, Sir, if they were to apply themselves to the task of affording employment to the people under their own direction, in the permanent improvement of the land, and bringing into cultivation those tracts of country which are now totally unproductive, the country would assume a different appearance, and the amount of agricultural produce be augmented at the smallest possible outlay. The result would be, that the poor of Ireland would receive either a sufficiency of that produce, or money payments, in wages, as would enable them to obtain a decent subsistence, and the proprietors themselves would derive a larger revenue from their lands than they do at present. But when such apprehension is entertained of a poor law absorbing the rental of Ireland, I would ask whether there are not other causes now in active operation in many parts of Ireland, which, if not speedily remedied, will annihilate rents altogether? Why, in many districts in Ireland, the pressure of an unemployed population on that miserable portion of the produce which is set apart by [the people for their own subsistence is so great, that their food in those districts has degenerated to what is called the lumper potatoes. Now, to a worse description of food the people cannot descend. The population goes on increasing, and soon they will have to encroach upon that portion of the produce which is now almost sacredly set apart for the payment of the landlord's rack; and when this encroachment once commences, how long will rents remain secure? There is one passage in Mr. Nicholl's second Report which bears so strongly on this part of the question, that, with the permission of the House, I will read it; it relates to a part of Ireland with which I am well acquainted, and I can, therefore, vouch for its accuracy. The passage is as follows: —

> Nothing can exceed the miserable appearance of the cottages in Donegal, or the desolate aspect of a cluster of those hovels, always teeming with an excessive population. Yet if you enter their cabins, and converse with them frankly and kindly, you will find the people intelligent and communicative, quick to comprehend, and ready to impart what they know. They admitted that they were too numerous, — "too thick upon the land;" and, as one of them declared, "they were eating each other's heads off;" but what could they do? There was no employment for the young people, nor relief for the aged, nor means nor opportunity for removing their surplus numbers to some more eligible spot. They could only, therefore, live on, "hoping," as they said, "that times might mend, and that their landlords would, sooner or later, do something for them." Yet, with all this suffering, no disturbance or act of violence has occurred in Donegal. During the severe privation of the last summer, when numbers were actually in want of sustenance, there was no dishonesty, no plundering; the people starved, but they would not steal; and although their little stock of cattle and moveables have been notoriously lessening these last four years, and especially in the last year, which seems to have swallowed up all their visible means, they have yet paid their rents; the occupier's share of the produce has been insufficient for his own support, yet the landlord's share has generally been paid in full; and I was assured by the agent of one of the largest proprietors, that he had no arrears worth noticing.

Now, Sir, I would ask, how long is it desirable that the people of Ireland should remain in this miserable condition, while, at the same time, they are able and willing to work, and to earn their own subsistence, if there was but employment provided for them? An efficient poor law would, in my mind, be the means of effecting this object; and, however great the pressure of it might be in many individual cases, yet I have no doubt but that it would ultimately be found of the greatest pecuniary advantage, even to the proprietors themselves. Why, in the very case which I have just mentioned, from my own knowledge I can say, that if upon that property but one fifth of those rents which it appears have been paid, notwithstanding all the privations of the people, had, for the last ten years, been expended in its improvement, the produce upon it would have been more than doubled, the people in comparative comfort and independence, and the proprietor in the receipt of a larger income than he now possesses.

Now, although I advocate a poor law in Ireland, on the most extended scale, I am convinced that auxiliary measures must be introduced at the same time. A proper system of emigration and of public works, put into operation with an efficient poor law, would be absolutely essential in order to ease that pressure which the first introduction of such a measure would throw upon the proprietors. I shall vote for the second reading of this Bill, and for its going into committee; but I shall, nevertheless, do so with the greatest reluctance, and only because I see no alternative measure for ameliorating the condition of the poor of Ireland.

Mr. SHAW. — I must support the second reading of the Bill; and as I do not believe that the second reading will be opposed on either side of the House, I presume the House will consider it more convenient to postpone any lengthened discussion of the measure to a stage upon which some difference of opinion is likely to arise. I think, however, that not only much of the details, but many of the provisions of the Bill, will require considerable alteration and amendment in committee. I cannot agree with the Honourable Baronet (Sir C. Style), that the poor should be given a legal right to relief; nor that out-door relief should be granted instead of the workhouse test of destitution being made the principle of the measure. I consider that in-door relief, aided by emigration, is the just and the safe principle; but I would prefer a further limitation of that principle than the present Bill provides, and I desire to substitute in-door relief for the impotent, and a well-matured plan of emigration for the able-bodied. While I feel, on the one hand, that the time has come when some system of poor law must be tried in Ireland, I nevertheless, on the other, regard the whole question as experimental, and one of complicated difficulty. I rejoice, therefore, at the prospect of the subject being considered apart from all political bias or prejudice, and also that it will undergo full and minute discussion in the future progress of the Bill.

Mr. O'CONNELL. — I agree with one half, only, of what has fallen from the Right Honourable Gentleman. I do agree that this ought not to be treated as a party question; but I differ from the Right Honourable Gentleman when he says, that the Irish Members are unanimous upon the necessity or propriety of introducing poor laws into Ireland. Had I been in London a few hours sooner, I should have felt it my duty to have trespassed upon the House at considerable length in stating my objections to the Bill now proposed; but as my arrival has been delayed, I shall confine myself to one or two observations only in the present stage of the Bill, reserving myself until the proposition for going into committee, when I shall state my objections at length, and move that the committal of the Bill be deferred for six months. I am not disposed to agree to any poor law Bill unless it go infinitely beyond the present measure. I will support a Bill that shall relieve the sick, the infirm, and the aged, and afford temporary assistance to those who suffer from casualty or weakness, and cannot possibly obtain t in any other way; but I will oppose a Bill which shall tempt the labouring classes to look forward to the workhouses as a permanent and ultimate refuge. Furher than that I cannot go. I shall therefore resist the progress of this Bill, and will divide the House, even if I stand alone. I am convinced that no country was ever benefited by a poor law, and that Ireland itself is too poor for a poor law, notwithstanding the distinction which has been drawn between poverty and destitution by the sages who have said there was more poverty in Ireland, but less destitution in England — which certainly is rather a ludicrous idea, and one that I cannot pretend to explain. I cannot see how, in the common sense view of the thing, it can be denied that poverty is the mother of destitution — that, in fact, one can hardly exist without the other following in its train. I totally disapprove of this Bill, the object of which is to erect a hundred workhouses, in which 80,000 persons are to be boxed up, and imprisoned for the benefit of their health and the improvement of their morals and kindly feelings, by the separation of the husband from the wife, and the parent from the child. Mr. Nicholls need not have gone to Bristol or Manchester to ascertain that the Irish are unwilling to take relief in workhouses. There is not a person in Ireland, — not a single Irish labourer scarcely, — that would not prefer starving, rather than getting food at the expense of imprisonment. I shall not occupy the House now, but, on the motion for going into committee, I shall state my reasons for opposing the further progress of the Bill.

Mr. GIBSON. — I rejoice that there is, at least, one Irish question upon which all sides of the House are agreed, and I regard the present discussion as an omen of better days for my unhappy country. Before we proceed, however, to legislate on a measure which is of such paramount importance as this, and which is pregnant with consequences of so vital a nature, we ought to inquire if we have sufficient data to proceed upon. I deny that we have such data, and I impeach in particular the Report of Mr. Nicholls. That Gentleman has stated that the number of poor who will require relief in Ireland will be only 80,000. Now, I dispute the accuracy of this statement. I would it were true; but from my own experience of the state of the poor in Ireland, I believe that 80,000 is no more than a fraction of the number that will require relief. The House cannot proceed to legislate with confidence on this subject upon such data as the Report which has been laid on the Table of the House contains. Upon that Report the Legislature ought to place no reliance, for it really furnishes no data upon which Parliament can efficiently legislate. I deny that 80,000 will be the highest number that will require relief; and the system is calculated to pauperise the middle classes in Ireland, upon whom the burden of contributing to that support will fall. The principle of this Bill is repugnant to the feelings of the Irish poor man, who will never consent, for a paltry subsistence in the workhouse, to a separation there from the wife of his affection, and the children of his love. I have a further objection to this Bill, on the ground that it has excluded from it any provision with reference to the law of settlement. Though I am ready to admit, that in this country the law of settlement, has been much abused, and has led to considerable expense; still some provision with reference to that subject ought to be made in this Bill, or it will be the acme of injustice. On these grounds, I object to the introduction of the proposed law, and will say it would be better to leave Ireland alone, and rely on the natural course of events, from which even Mr. Nicholls admits that improvement within the last fifty years has ensued; and I believe that if equal and impartial justice were done — if there were not one law for the rich and another for the poor — more happiness would be produced than can possibly flow from a measure of the kind now under the consideration of the House. On these grounds, I cannot assent to the principle of the Bill, but, coerced as I am by the opinions of others, I shall not oppose its second reading, but will watch with minute attention its progress through the committee.

Mr. JAMES GRATTAN. — I will trouble the House at no great length, in stating some of my views on this subject. I differ from the Honourable Gentleman who has just sat down. I think that the present Bill, in its present shape, is the very best that has ever been introduced for the pacification of Ireland. I am glad, therefore, to find the House nearly unanimous in support of it. My only object in rising is, to request her Majesty's Ministers to keep the Bill exactly in the shape in which it now stands, with the single exception of the clause relating to emigration, which, I think, had better be omitted. I entirely differ from those who think that relief ought to be given out of doors, or, indeed, given anywhere, except in the workhouse. It has not been thought advisable to continue the system of out-door relief in England; and all who know the condition of Ireland, must admit, that that country is much less prepared for such a system than this. I am satisfied that the introduction of various modes of relief would defeat the whole object of the Bill. Take out the emigration clause, and the Bill, as it now stands, will be the greatest blessing ever conferred upon the country. The Honourable Member who spoke last, said, leave Ireland alone; but that would never do, when it is notorious that assassinations, agrarian combinations, and outrages — all are to be traced to the state of destitution which, unhappily, generally prevails in Ireland. I am persuaded, that had a measure of the same kind passed years ago, the condition of Ireland would have been very different to what it is at present. The Government have taken the question up in a manly manner; and I only hope that they will persevere in it boldly, and without vacillation.

Mr. WRIGHTSON. — Having, some years ago, sat upon a commission of inquiry with respect to the introduction of poor laws into Ireland, and being now the only member of that commission who has a seat in the House, I hope I may be permitted to say a few words upon the subject, before the Bill is read a second time. I am sure that the House will not be disposed to throw difficulties in the way of this Bill, without much consideration; but, whatever objections may be entertained by Honourable Members to the various parts of the measure will be fairly discussed. The House will, perhaps, permit me to say, that, notwithstanding the pains which the Government have evidently and notoriously taken upon the subject, I am strongly impressed with the opinion that the measure, as it now stands, is one of a most impolitic nature. It will impose upon the public a degree of liability with respect to the great mass of the labouring population in Ireland, which, I think, will be most prejudicial to the interests and welfare of all. When the Bill goes into committee, it is my intention to propose an amendment, with a view of obtaining a specification of the classes to whom relief should be extended, confining the relief to the lame, the impotent, the blind, and the aged. I think it is no principle of a poor law Bill to give relief to the able-bodied man of twenty-five, who has health and strength, and whom Providence has destined to work for his living. I will not detain the House longer upon this occasion, but will enter into the subject more at length at a future time.

Mr. POULETT SCROPE. — I rise to give a very short answer to what has fallen from the Honourable Member who has just sat down, with respect to the extension of relief to the able-bodied man of twenty-five. Now, I beg to ask the Honourable Member if it is not the young men of Ireland who have formed agrarian combinations, and committed murders and outrages, in consequence of not having the means of subsistence? I would ask the Honourable Member what course an able-bodied man of twenty-five, who is in a state of starvation and has no land, is to pursue to obtain relief, if the workhouse is not to be open to him? What is the man to do, or what are we to do to relieve him? Is he to starve before the eyes of the guardians? or is he to break the law by committing crimes? Would the Honourable Member rather see the country disturbed as it is now, than that a measure of relief should be extended to them under this Bill? I certainly think that this is the most important measure by far which has ever been introduced for the pacification of Ireland. I believe that it will raise that country from a position the most miserable and the most disgraceful of any nation on the face of the earth, to one of the most prosperous and happy. On the whole, then, I am induced to give this Bill my most cordial support; but I do hope the Government will not be induced to act upon the suggestion of the Honourable Member for Wicklow by taking from this Bill the emigration clause. The introduction of that clause has done much to induce me o support this Bill, and I trust it will not e withdrawn. I regret that some measure is not introduced, in conjunction vith this Bill, for promoting an extensive ystem of public works. Some prospect vas held out last Session of the appointnent of a board of public works in Ireland. hope that idea will be realised. By the ombined operation of the present Bill, f a well-regulated system of emigration, nd the institution of a board of works, reland might be redeemed from her preent state of misery, and raised to a level ith the other portions of the British mpire.

Mr. HINDLEY. — I shall make no pology for offering a few observations to ie House in reference to this measure. do not wish to be mistaken; I am not pposed to a poor law for Ireland. I innot, therefore, agree with the Hoiurable and Learned Member for Dublin iat a poor law for Ireland is not nessary. I think it is; and if I have casion to state to the House the strong jections I entertain to the present Bill, I wish not to be misconceived. I wish it not to be understood that I am adverse to poor laws generally. I cannot, with the Right Honourable Gentleman the Recorder for Dublin, congratulate the House that this is no party question. I think it would have been better if it had been; for I believe that if it were a party question, the benches on either side would have been more thickly clothed. The Irish poor are not represented in this House, and I am sorry for the good understanding that exists on that account. If it had been a party question, the Bill would be more likely to have been a Bill according to what it professes to be, namely, for the more effectual relief of the poor of Ireland. I have heard that Irish Members are not yet satisfied whether the amount of destitution extends to 80,000 or 2,000,000. This Bill, however, provide for that destitution, whatever it may be, by the erection of 100 workhouses, each capable of containing 800 persons. The Honourable Member for Wicklow says that this is a good Bill. Now, does the Honourable Member know what this Bill proposes to do? Is he aware that it contains a clause that enacts that all persons receiving or gathering alms, or setting any child to do so, shall be committed to gaol or to the house of correction, there to be kept to hard labour, for any term not exceeding one calendar month." Any person may prosecute this offender; and if any person in a state of destitution have found a heart desirous to relieve his distress, that person may have the money taken from him, and applied to the use of the house of correction, and is rendered punishable. Is begging, I would ask the Noble Lord, to be considered a crime? Does the Act 43d of Elizabeth introduce any vagrancy clauses? If it be necessary to introduce vagrancy enactments into Ireland, let it be done by a separate measure. This Bill is for the more effectual relief of the Irish poor; and do Honourable Members suppose that any one would appeal to private charity if he could obtain better treatment in a workhouse? Why introduce such clauses in the present Bill, which are at variance with justice and the spirit of Christianity, and are a disgrace to those who have proposed them? If these clauses be adopted, a great injustice will be inflicted upon the people of the north of England, as well as upon the poor of Ireland. The effect will be to drive the Irish poor to this country. For the workhouse system will require that the poor should be fed upon an inferior diet to what they obtain by their labour, Now, their best diet consists of potatoes and butter-milk. You would force them, then, to something worse than potatoes and butter-milk, unless they go to the workhouse; for you deny them the right to solicit alms. The alternative, therefore, is something worse than that kind of food or starvation. What must necessarily be the consequence? The Irish poor will inundate the northern districts of England; and if you are prepared to inflict that injustice, you must also be prepared to meet the consequences. The revolt of Canada will be but a little affair in comparison with that which must follow from such a course of legislation.

LORD VISCOUNT CLEMENTS. — I think the Honourable Member who has just sat down has suffered himself to be too much influenced by his feelings in the observations he has offered to the House; at all events, I consider that those observations would have been better reserved for the committee. I am, however, rather disposed to agree with the Honourable Member that the mendicancy clauses ought to be omitted. I will not pledge myself in any way in regard to those clauses. If I am satisfied that they are necessary to the good working of the Bill, I shall not object to them; but I will not enter into that question, as I do not consider this is the fitting opportunity to do so. I must, however, say that the Honourable Member has given an unfair interpretation of the disposition of this House. I have marked but one feeling on the part of the House — that of an anxiety to remedy the condition of the poor of Ireland, but with a proper regard to the feelings and interests, not only of the people of England, but of the people of Ireland themselves. I think the Honourable Gentleman will himself, on reflection, confess that he was somewhat intemperate in the language he used. For my part, I should not have risen now, but that I wished to observe to the Noble Lord (Lord John Russell) that it is desirable, upon going into committee, that he should give a more general view than he has hitherto given as to the manner in which the discretionary powers to be vested in the commissioners shall be acted upon. Great apprehensions have arisen in Ireland in consequence of these powers being undefined. Large powers with respect to emigration are intrusted to the commissioners; so, also, with regard to the formation of unions; to the size of the unions; to the way in which the Bill is to be brought into operation — whether it is to be first introduced into the western district, where I think it is most needed, or a simultaneous operation in all parts of the kingdom is to be attempted? These are points upon which I conceive it to be desirable that the Noble Lord should make a statement as to the principles upon which the administration of the Bill is to be conducted. By doing so the Noble Lord will much facilitate the introduction of the measure into Ireland, and soften the feelings of the people as to the motives of those who have promoted it.

Mr. W. ROCHE.—Having but just arrived from Ireland, I have not had an opportunity of hearing the arguments and opinions adduced during the present discussion; but, nevertheless, I cannot forego the occasion which now presents itself of expressing my conviction that it is high time to extend to Ireland a system of protection for its poor; and I am the more disposed to regret that circumstances should have prevented its commencement many years ago, than to quarrel with its adoption now, convinced as I am that if adopted earlier, and therefore now in active and mature operation, the condition of the Irish people and the face of that country would present a much more gratifying aspect. Few, indeed, oppose the measure on principle, and therefore the sooner we come to the details, and thereby expedite practical proceedings, with a view to arrive at the test of experience, the sooner shall we be enabled to discover faults, if any, and soften down difficulties — those difficulties which must doubtless attend every new measure and exclusive change, but in spite of which I am quite sure, so soon as the machinery is, by practical knowledge and experience, made to work with ease, the measure will be found one most salutary and beneficial to all classes of the community. Nevertheless, no one feels more than I do that this measure is only a beginning and a fragment, I may say, of what is due to Ireland as necessary to remove the impediments and call forth the resources of her prosperity — sources in which no country more abounds, but which, from various causes, moral and political, have been sadly neglected, if not disregarded; yet I consider this measure an indispensable first step, and the surest foundation upon which to build our future and more extended exertions; and if we allow ourselves to be deterred by seeming difficulties, we may as well abandon the measure altogether; for, whatever we undertake, we must have these difficulties to encounter. The sooner, therefore, we begin, the nearer we shall be to the disembarrassed advantages and enjoyment of the measure; and I cannot allow speculative fears or doubts to retard a mitigation, at least, of the mass of misery which so long pervaded and still pervades the poor of Ireland, and which must needs be so prolific of disorder and disturbance. In regard to its expense, I trust it will be found not so serious as may be apprehended; for, a short time before I left Limerick (the city I have the honour to represent), I visited one of the principal asylums for the poor, there called the "House of Industry," where I saw from 400 to 500 poor fellow-beings fed and lodged (although, from want of adequate space, rather crowded together), at the trivial expense, to the community, of about 3*d.* each, per day. Much is owing, indeed, to the zeal and benevolence of a respected fellow-citizen, who so kindly and gratuitously superintends that establishment. In fine, I am strongly disposed to hope that when a short period of practical operation shall have smoothed down obstacles, this measure will be hailed and acknowledged as most salutary and beneficial; but to render it so will assuredly require the most rigid attention to its details, both as regards every such measure in general, and in reference to the peculiarities of Ireland in particular.

LORD JOHN RUSSELL.—As those Gentlemen who usually take a prominent part in the discussions of the House have reserved their observations till a future stage of the Bill, I do not feel it incumbent on me to enter fully into the subject at the present moment. I certainly cannot concur in the opinion of the Honourable Member for Ashton-under-Lyne, who seems to think that this Bill must be intended to oppress the poor because there is an agreement with respect to it on both sides of the House. It certainly seems to me a very rational opinion, and an opinion upon which statesmen generally act, and which the Parliament is also disposed to dopt,—that while destitution is an evil hat ought to be provided against, yet that hose persons who derive the benefit of that rovision ought to undergo some test to emonstrate the fact of their being in a state f destitution, and that society should, at he same time, be protected by law from the ischievous consequences arising from agrancy. The Honourable Member for shton-under-Lyne, on the contrary, onceives that we ought to go back to ose times when begging was generally ermitted, and when it was regarded as a essing rather than otherwise, that the ountry was overrun with mendicants. I cannot agree with the Honourable Gentleman. The Honourable Gentleman also seems to be of opinion that this Bill will, for the first time, introduce into Ireland a law prohibiting vagrancy and beggars. But in this he is wrong; the law of Ireland does not only discountenance vagrancy, but there are laws now existing, by which that crime may be punished by transportation for seven years. The Honourable Gentleman is, therefore, mistaken, if he supposes that the clauses in this Bill, prohibiting vagrancy, are contrary to the existing law. The fact is, that the law of Ireland punishes vagrancy very severely, and, as I think, too severely, and we therefore propose a lighter punishment. It is true, however, that the law has hitherto proved inoperative. And the reason is obvious. The feelings of mankind will not go along with any law which does not appear to be consonant with the general principles of justice. Now, it is, I think, just—it is a part of the law of England, and it is consonant with humanity—that relief should be afforded to destitution; but if persons who do not want, or who refuse to accept of, that relief, still persist in infesting the country as vagrants, then it is necessary that some punishment should be inflicted upon them, in order to put an end to the evil of mendicancy. But as the law of Ireland at present stands, whilst on the one hand vagrancy is punishable, on the other, there is no public relief provided for the destitute. We therefore propose to put the law upon a more just footing; and while we enact that vagrancy shall not be permitted, we provide, also, that destitution shall be relieved. This appears to me to be consonant with general benevolence, and the principles of general justice, at the same time that it is consonant with the general good order and police of the state. This is the principle upon which I conceive that a legal provision for the poor ought to be founded. There may be particulars in which a law with respect to the circumstances of one country may differ from a law suited to the circumstances of another country; but I think that inquiry and experience, with respect to a legal provision for the poor lead only to one result, namely, that the general principle which is fit to be established in one country, is equally fitted to work in any other country, in whatever state that country may be. That principle is, that the state should take care to prevent destitution, and at the same time prevent vagrancy. But when we are adopting measures to relieve destitution, it is incumbent on us to guard against the introduction of abuses. If it be established that every man who alleges that he is destitute shall be relieved, without any test to prove his real condition, a train of abuses will be introduced, by which not only destitution will be relieved, but persons, also, not destitute, who may prefer an idle mode of living, and of receiving assistance without work, rather than receive the wages of honest industry. If the Honourable Member for Ashton-under-Lyne asks for an instance of this idle disposition on the part of the poor, I will refer to a letter which appeared in the newspapers a few days ago, written by a person who signed himself "A Market Gardener," and who warned benevolent persons from giving relief to those who are going about as frozen-out gardeners: this person, so signing himself, alleging that he was willing to afford labour, and pay fair wages, to the men who usually served under him; but that they were so strongly tempted by the generosity of individuals, to live upon public charity, that they preferred seeking alms in the streets to returning to their work. This is a sort of abuse to which every country must be liable, more especially if it were to be established by law that there should be means of relief provided for the poor, without, at the same time, introducing some test of destitution, and some mode of punishment to prevent them from obtaining a subsistence not earned by industry, and which they might acquire by honest and better means. For this reason it has been determined that there shall be some test of destitution. The test which has been taken is that of the workhouse. It is proposed that persons shall not receive relief out of the workhouse. I am glad that the Right Honourable and Learned Gentleman opposite (Mr. Shaw) approves of that test. I am not prepared to say, at present, that there shall be relief afforded in Ireland for destitution, except in the workhouse. I consider that that test is one which will secure the country from much abuse of the new system. I do not know that any other test can be framed, which will secure the country from being called upon to relieve cases which are not those of real destitution, or which will prevent the occurrence of much worse evils than any that can possibly result from the adoption of the test proposed. My Noble Friend (Lord Clements) has suggested that it would be desirable for me, on a future occasion, to enter into an explanation of the manner in which the commissioners will be expected to execute the powers that will be vested in them. I do not exactly know the points to which my Noble Friend alludes. If my Noble Friend will make inquiry more particularly of me, I will give the best explanation in my power. At the same time, I think much must be left to the discretion of the commissioners. In conclusion, I am happy to find that there is not any serious opposition to the second reading of this Bill. Without entertaining those extravagant expectations which some persons, with too little consideration, appear disposed to do, I think it is a measure of a nature that will tend very much to improve the condition of the people of Ireland.

The Bill was then read a second time, and committed for Friday.

PARLIAMENTARY ELECTORS AND FREEMEN BILL.

On the motion of LORD JOHN RUSSELL, order for committee being read,—

MR. HODGSON HINDE said:—I have placed a notice on the paper with reference to this Bill, that I would, upon the House going into committee, move an instruction to the committee, to divide this Bill into two Bills; and I will now, as shortly as I can, proceed to state my reasons for taking that course. Now the House will see that this Bill involves two propositions, so perfectly distinct, that they cannot, with any regard to consistency, be amalgamated together into one Bill. It has been said, and the Noble Lord (Lord J. Russell) has also expressed himself favourable to that opinion, that while we are giving relief to the freeholder, we ought, at the same time, to extend some boon to the 10*l.* householder. With this part of the subject I have nothing to do; but I do complain that the Noble Lord has treated that branch of the constituency who are freemen most ungraciously and unjustly, when, being compelled by the declared sense of the House —when the question was brought forward, last Session, by the Honourable Member for Coventry (Mr. W. Williams)—to grant this relief to those freemen, he thus endeavours to confer it with the worst possible grace, by coupling with it a measure having reference to the 10*l.* householders, which the Noble Lord must know will insure its rejection. I will say, that of any class of the constituency of the country, the freemen are those whose former conduct best entitle them to some boon at our hands. But has the Noble

Lord conferred no relief upon the 10*l*. householder? Has he not repealed the house-tax? And did the freemen on that occasion come forward and say, "You are about to relieve the 10*l*. householder; you must also couple with the measure some boon to us?" The freemen made no such demand; then, why should we, in extending this measure of justice to one branch of the constituency, join with it, in the same Bill, another subject, so perfectly incongruous, as the alteration of the rate-paying clauses of the Reform Act? With parties so nearly balanced as they are now in this House, the Government not being able to calculate on a certain majority upon any question on which difference of opinion may exist, it is, I think a dangerous principle to say, that if the party which has the preponderance, uncertain though it may be, brings forward a measure which is approved of by the opposite side, they shall not allow such measure to pass, without coupling with it a principle which they all well know their opponents consider highly objectionable. Having, on a former occasion, stated my views upon this subject, at some length, I will not detain the House, my wish being only to explain, as briefly as possible, the reasons upon which I hoped to induce the House to divide this Bill into two parts. I assure the Noble Lord that if he will consent to this proposition, I will, when in committee, consider both portions of the Bill with the fullest disposition to give both parties the benefit intended them, for I have by no means made up my mind to oppose the boon proposed to be granted to the householders. But, as the two subjects are distinct, and rest on entirely different grounds, I hope the Noble Lord and the House will allow the two parts of the Bill to be considered separately. I therefore move, "that it be an instruction that the committee have power to divide the Bill into two parts."

The question having been put from the chair, —

LORD JOHN RUSSELL said: — I have already stated the grounds on which I consider that this Bill should be passed in its present shape; and as the Honourable Gentleman has not advanced any reason to induce me to change my opinion, I shall oppose the motion.

COLONEL SIBTHORP. — The Reform Bill was introduced by the Noble Lord, with a declaration that it was to be a most liberal measure, to extend the franchise, and to act fairly with respect to all the constituent bodies in the kingdom. But I now see the Noble Lord throwing all the obloquy in his power upon a class of voters as good and as independent, though, perhaps, not so fortunate, as some others. The Noble Lord has availed himself of the Reform Bill to cast a stigma upon the freeholders of England. "What shall I do?" says the Noble Lord. "The friends of the freemen will obtain this boon for them against my will. I will couple with it this relief to the 10*l*. householders. They cannot vote against my Bill, for if they do, they will offend the freemen." This is no uncommon practice of the Government of the present day; we see it daily and hourly, and the embodying together, in this Bill, of two provisions so perfectly incongruous as these, forms only a part of that unjust and underhand trickery, at which the present Government so eminently excel. I have at all times advocated the rights of the freemen, and I shall always be ready to stand up in this House or elsewhere, to defend them from those aspersions which from time to time are attempted to be cast upon them. I am astonished at the Noble Lord's conduct towards this portion of the constituency. I might have reserved these observations for the committee, but I cannot say that I am prepared to sanction this nefarious Bill in its principle.

SIR ADOLPHUS DALRYMPLE.—I cannot support the proposed division of the Bill, because I am anxious to effect both the objects of the Bill. The rate-paying clauses of the Reform Act I consider to operate merely as a help to the tax-gatherers, and in many places most distressing circumstances take place in consequence of their strict enforcement. In the borough which I represent it is the custom of the overseers and collectors of taxes to sit up till twelve o'clock at night on the 20th of July to receive the taxes; and their strict payment entails, therefore, considerable hardships on the public officers, as well as upon the ratepayers themselves. The interval between the 5th of April and the 20th of July is a period during which many persons are frequently away from home; it is inconvenient for them, therefore, to pay the taxes, and these persons on their return very frequently find themselves disfranchised. Another objection which I entertain to the system, as it now stands, is, that it makes the collector of poor rates a political person; for he has the power, on the 15th or 16th of July, of going round to his political friends, telling them that their taxes must be paid before the 20th, or they will be disfranchised; he postpones his call upon his opponents, and being in ignorance of what is required, their votes are cut off. I think, therefore, that the Bill should pass without alteration, as I do not consider it as changing any part of the principle of the Reform Act, but only as an amendment on some of its details, which have been found to work badly.

Mr. PRAED.—I think there are many reasons for not considering these two subjects together; they have no necessary connection; the principles involved are entirely different. The stamp duty on the admission of freemen was imposed only for fiscal purposes, and had no reference to their right to vote; and even during the discussion on the Reform Bill not one word was said on the necessity for this payment. Previous to that time the admission to the freedom was the means of acquiring several peculiar privileges, and the right to vote was only an incidental advantage. These peculiar privileges have since been taken away, and all that remains of the right for which they have to pay the stamp duty is the exercise of the elective franchise. With the 10*l.* householders, however, the case is different. They had a right conferred upon them by the Reform Act subject to the performance of certain conditions—the payment of rates and taxes; and if you alter or repeal these conditions, the Reform Bill will be altered; and with many persons this circumstance alone would be a sufficient reason for rejecting the Bill. Suppose the freemen were now in the same state as they were before the passing of the Reform Act, and it were proposed to call upon them to pay a certain sum for the right of voting for Members of Parliament; the answer to such a proposition would be obvious, that it would be an encouragement to bribery. Then it is proposed to remove this burthen from the freeholder and to take off this stamp duty. But, now, with respect to the householder. It is, under the Reform Act, necessary, in order to render him eligible to vote, that he should pay up his rates and taxes to a given time. The Noble Lord proposes to alter this, by allowing the householder six months further time for making the payment. Now, will the effect of this alteration be to let in a more or a less respectable class of persons into the constituency? I think the result would be, that a less respectable class of voters would be admitted. But the Noble Lord says, you are about to take the admission duty from freemen, and I will take away the qualification of the householder. The Noble Lord has, however, given us no reason why these two classes should be so united. I have heard the Noble Lord say that it is because a boon is to be granted to the freemen, that he will also give a boon to the householder; both the freemen and the 10*l.* householders, however, disclaim the receiving of any boon; if it be for the public expediency that their demands should be granted, and if it be desirable to make the proposed alterations, it is not because it is a boon that it ought to be granted, but on the grounds of justice and public expediency. If, indeed, it be meant as a boon to the freemen, how can it be expected that it will proceed from that side of the House, on which sat the Noble Lord who has already denounced the freemen, and the Honourable and Learned Gentleman who considers them so great an evil? I see no reason why the Bill should not be divided into two parts, and why the House should not decide separately on the merits of each; and I shall therefore vote for the motion of the Honourable Member for Newcastle.

Mr. MACLEAN.—You cannot take off this 1*l.* stamp duty from the freeholder without granting a boon to the householder, which will be a direct infringement of the Reform Act. I am astonished that the Government should call upon us at this time to take away the limits of that Act, when, as I understand, a notice has lately been given to the tax-collectors to spare no exertion to get in the taxes, in order to swell the Exchequer of the country. I object to the passing of the Bill without discussion. If it be proposed on the ground of fraud on the part of the overseers, I can understand it, but no such ground is alleged; and, indeed, we are left entirely in the dark as to its substantive merits. If it be correct to relieve the parliamentary electors, why do you not make it more extensive, and let it apply to voters under the Vestry and Corporation Acts, in both of which Acts payment of rates formed part of the qualification? I object, also, to the introduction of a series of changes without the reason for them having been unfolded by the leader of this House; and unless good grounds for this measure be brought forward, I hope that it will be rejected on the third reading.

The House then divided:—

Ayes	68
Noes	158
Majority against the dividing of the Bill	90

The House then resolved it into committee on the Bill.

On clause I. (rates and taxes of persons already on the registry of parliamentary electors for boroughs not required to be paid beyond the 11th of October preceding) being proposed,—

Mr. T. DUNCOMBE said:—I rise to introduce an amendment, which, as I think, will work a great benefit. I propose to leave out the last two lines in the first clause,—"except such as shall have become payable from him previously to the 11th day of October in the preceding year." The effect, if the omission which I suggest be adopted by the House, would be to enact that, after the passing of that Act, no person shall be required, in order to have his name retained in the list of voters for any city, town, or borough, in England, for any year, to have paid any poor rates or assessed taxes. This is a simple and summary mode of repealing the ratepaying clauses of the Reform Act.

[Cheers and laughter.]

It is for the House to say whether these clauses should be repealed, or whether the remedy which I propose is not preferable to the homœopathic provisions of the Bill. Motions to the same effect have already been brought forward in the House, which, for a considerable time, were generally rejected; but, at a later time, they were gradually more favourably received, and at length one which I introduced to the House in the year 1837 was carried by a majority of eleven. Some observations have fallen from an Honourable Member opposite, that the more respectable classes of society are those by whom the rates are more generally paid; but I am prepared to say that this is not the case, for in the parish of St. George, Hanover Square, which is well known as the most aristocratic parish in London, containing most of the fashionable streets and squares, there are 5144 persons rated, and who would be entitled to vote, out of whom twenty-two only have paid their rates. This, at least, shows that it is not always the disreputable portion of the community who are negligent in this respect. The clause completely reverses the order of things; for it not only requires many to be taxed, but it also requires that they shall pay the tax before they can vote. I do not see why it should apply to 10*l.* householders, and not to those who rent houses at the yearly value of 50*l.*; and I know that 50*l.* householders have expressed their wish that the disability should apply to them, because they could then disfranchise themselves if they chose, and relieve themselves from the unpleasant situations in which they are frequently placed by being compelled to vote for persons to whose principles they are opposed. I believe that the only reason why such a restriction was not put upon the county elector is, that in that case it could have no such effect. I say, then, put the county electors on the same footing as the electors of boroughs. When the Noble Lord passed the Reform Bill, he told us that the constituency would be increased to the extent of half a million. The effect has, however, been quite contrary; the constituency has not been increased by the Reform Bill. The whole increase of voters in the metropolitan boroughs has been but 42,000, whilst the increased number of householders admitted is 95,000. In Westminster and Southwark, the constituencies are considerably reduced. It has been thrown out, also, by an Honourable Member opposite, that the Bill will not be well received elsewhere. I believe it will not; but if the House adopts my amendment, it will have the effect of showing to the public the opinion of the House.

If the Noble Lord will adopt that alteration of the existing law, which I propose by my amendment, he may depend upon it that he will carry the support and attachment of the people with him. In the mean time, whilst these questions remain unsettled, his Government is sinking, and the people will look on with indifference. If he cannot carry the people with him, he has not the slightest chance of success in the attempt to carry on his Administration; nor will there be any regret for his fall from power. I do hope that, if the Noble Lord takes any step in the matter, it will be on the side of that popularity which he is renouncing by his present course. But if he will be persuaded by me, he will go, with this Bill, before the House of Lords, with much greater influence and effect than he can approach them with under any other circumstances; and the public will, thereupon, make the House of Lords do that which, at the period of the Reform Bill, the public could not make it do. I sincerely hope that the Noble Lord will concede this point; the concession of which, I am convinced, would give universal satisfaction to all true Reformers; and he will then be able to send the Bill up to the other House with satisfaction to himself, and approval from the public.

LORD JOHN RUSSELL. — The amendment of the Honourable Gentleman is certainly to a much wider extent than that alteration of the law which I propose; and being on the point of now introducing that alteration, I will first state, that it is not one originally suggested by myself, but by the Honourable and Gallant Member for Westminster. He thought it proper that those who are called upon, year after year, to pay rates and taxes, should be the burgesses to whom it should be assumed that it was in the contemplation of the act to give the elective franchise. I think it quite proper, myself, that punctuality in the payment of these should be the principle of qualification; although I am aware, even among this deserving class of the community, individuals often allow arrears to accrue. It very often happens, indeed, that from neglect of these payments those are precluded from exercising the important rights given them under the Reform Bill. It very often happens, it is true, that persons do fail to pay exact attention to the rates, so as to enable them to be placed on the register; but the proposition of the Honourable Member for Finsbury would extend the franchise to those to whom it was never intended to be given by the Reform Bill. The Reform Bill was framed on the constitutional principle, as regarded scot and lot voters, which, as to the point of rates, would be necessary to give a title to vote. It is urged by the Honourable Member, that the payment of rates affords no means of judging of the solvency of the parties, and that no such tests of the solvency of persons should be required; but, if this principle were admitted, it must be impossible not to see that the whole principle of the Reform Bill would be declared to have been altogether wrong.

Mr. WARBURTON. — I shall certainly support the proposition of the Honourable Gentleman, because it is precisely the same which I myself brought forward on a former occasion, when I presented a petition on this subject. The Noble Lord has asked, what you would do with the case of those election petitions which have been decided by committees of this House, under the scot and lot franchise? Why, it was stated, in the very petition to which I have just alluded, that the scot and lot franchise was a most fruitful source of bribery and corruption. The sure apology offered by candidates or their agents for the excesses so frequently committed at an election is, that out of this very franchise arises that system of bribery which prevails, pending the very fate of the election. It is notorious that the churchwardens have attended with the rate-books, at the time of election, at the booth; and accordingly as the opinions of scot and lot voters coming up to poll were known to be favourable or unfavourable to the candidate who professed the opinions entertained by these officers, so they reported that their rates and taxes were paid, or otherwise; the fact being, that, on the part of the candidate, they had been already applied to, and as they expressed an intention of voting in his favour or against him, so he had paid up or not paid up for these scot and lot voters. I know that this has been a constant practice with regard to these voters. The Noble Lord shakes his head at my statement. Now, I do not mean to say that this sort of thing takes place, at the present day, so extensively as it did before the passing of the Reform Bill. But I should like to know whether any one but my Noble Friend will dream of denying the general accuracy of this statement? I contend that we lay down a rule as to cities and boroughs, which you do not apply to counties. I would ask, why do you lay down a rule in England, as to a franchise of this kind, which does not apply to Scotland? In Scotland you do not pay any parish rates — because there are none to pay. Again, I am prepared to contend, that when a person has once paid up his taxes, it ought to operate no disqualification to him, as to the exercise of the elective franchise, if he happen to run behindhand with them within any given time before the election is held. I am willing to allow that some value attaches to the present test; but I certainly would not carry it to the same extent. I approve of the Honourable Gentleman's alteration, so far as it goes; but the Honourable Gentleman himself, with his accustomed singularity, will not carry it as far as he ought, and as I would support him in doing; because, he says, if he were to attack this franchise, he would provoke the hostility of all the representatives of

England and Wales. Why, I call upon him to do so; but I tell him, that if he do not, he will never succeed in his object. I am sure that if the Honourable Member would propose a regulation for England, similar to that which exists in Scotland, he would succeed. I really hope that some Honourable Member will put a motion to that effect on record, in order that the opportunity of exhibiting the opinion of the House to the public may not be lost.

Mr. CLAY. — The Noble Lord has argued the case for the qualification to vote in 10*l.* householders remaining dependent on their punctual discharge of their liability to pay rates and taxes, on the analogy which he supposes to subsist between their case and that of the scot and lot payers. It appears to me, that the Noble Lord's analogy fails in this particular, — that, previous to the passing of the Reform Bill, there was no question, in many boroughs, as to the validity of the scot and lot franchise, and other qualifications, as those of freemen, &c. were on a very different footing from that which they at present stand upon. We have now chosen to take another and a money qualification. I say, that though now requiring a 10*l.* qualification, I am not prepared to hold that the condition of payment of rates should be altogether so stringent as it is practically made. I think it was certainly not intended, in attaching to the holding of a house of 10*l.* rental, the elective franchise, — that that arrangement should be converted into a means of enforcing the payment of taxes. It could only have been intended as a partial or subsidiary mode of testing the pecuniary competency of the electors. I think, where you have sufficient means of otherwise ascertaining the responsibility of the votes, it might be well worthy of the Noble Lord, as the acknowledged author of the Reform Bill, to consider whether the condition as to the payment of rates, &c. might not, in certain cases, be advantageously relaxed;—whether it might not be well to repeal or modify this section of the Act, which has exercised a rather more extreme influence than it was meant to possess. I avow myself to be one of those who are disposed to take their stand upon the Reform Bill; and I may state distinctly that I am not friendly to any extension of the elective franchise to a wider constituency with a smaller qualification than that by which the 10*l.* franchise is now possessed. It may be that, in many cases, this amount might safely, and even advantageously, have been put lower. Still, you must have some fixed scale; and you have chosen to assume this. By this I am willing to abide. I believe that we have gone far enough as to this money test, — I have no wish to see it reduced to a lower point; — but I am entitled to demand that the whole of the class to which you have thus applied that test should have the elective franchise. It is to that provision of the Reform Bill that I mean to adhere. I quite agree with my Honourable Friend the Member for Bridport, that the scot and lot franchise has been, hitherto, a fertile source of bribery and corruption. I think, if you were to accede to the suggestion of the Honourable Member for Finsbury, the same results would flow from the same franchise again. If a man were disposed to bribe electors, he would, by our affirming this proposition, have one additional facility for doing so, with those who, for private or other reasons, might be disposed to tamper with their franchise. I shall support the Noble Lord.

GENERAL EVANS. — I rise to protest against an allusion which I conceive to have been made to me by the Honourable Member for Bridport. I do not at all agree with him (Mr. Warburton) in thinking this, which is now proposed to us, a trifling alteration of the Reform Bill. For my part, I return my best thanks to the Noble Lord for bringing in such a measure; and I think it is one he ought to originate. At the same time, I must say that I shall vote for the motion of my Honourable Friend the Member for Finsbury. I remember, when the Reform Bill was brought in, that he contended that the payment of a 10*l.* rental was, on all considerations, the most eligible *minimum* that we could fix upon; and that the value was to be looked upon as supplying a mode of testing whether or not a party was eligible to vote on the score of pecuniary means. I am desirous on this, as on all other occasions, of consulting the popular interest. I look upon the Noble Lord's proposal as an approximation to that wider and better defined principle, which is recognised by the amendment of the Honourable Member for Finsbury; and that amendment I shall support, although I am satisfied that the Noble Lord is liable to no blame on account of his proposition not having gone to any greater extent than, I contend, it was the original view of the Reform Act to go to.

Mr. HUME. — I wish to ask the Noble

Lord one question. He says that his proposition is founded on the old system, under which the scot and lot franchise was derived. Does he not know that he is wrong in that statement? That the difference between the franchise, as it will be under the alteration he advocates, and as it was under the scot and lot qualification, is the difference between the payment of parochial rates and the payment of king's taxes? I am, for my part, prepared to say, that much mischief has hitherto proceeded from the system at present acted upon. Thus, during the last Westminster election but one, being at that time myself upon Mr. Leader's committee, I saw some dozen persons who said they would vote for Mr. Leader, if he would pay up their rates and taxes for them.

[Cries of "Hear!" and a laugh from the Opposition.]

I beg to tell the Gentlemen who cheer, that I had reason to believe that those whose requests of this nature were refused by one candidate, immediately waited upon another with the same tender. I differ altogether from my Honourable Friend (Mr. Clay). I think that if, as he says, he takes his stand on the Reform Bill, in its present condition, he will give very little satisfaction to the numerous constituency which he represents. When the clause in the Reform Bill, referring to scot and lot voters, was before the House, it was predicted that this difficulty, which has been experienced, would be the result; and it has been the result: and I do think that the Noble Lord is bound to complain of the Reform Bill. His object in passing that measure, as he stated, was not to have any constituency consisting of less than 800 voters; but he must now be well aware that there are forty constituencies with less than that number each.

LORD JOHN RUSSELL.—The Honourable Gentleman is right in saying, that, under the law of scot and lot franchise, not king's taxes, but parochial rates, were required to be paid, in order to qualify. So far he is correct. Before the passing of the Reform Act the state of the case was very different from what it has been since. Prior to that measure, it was unnecessary for voters to pay their taxes; but since, and by the Bill as it now stands, they must pay their taxes before voting, up to the 5th of April preceding, and then only can they be placed on the register. I am very much astonished at the hesitation, however, which the Honourable Gentleman has spoken of, on the part of voters, to support any candidate who refused to pay their taxes. I should have supposed that it must have been pretty notorious, that no candidate could venture on such a mode of obliging his supporters at so imminent a risk of losing his election. There is a great difference, I repeat, between the two states of things, to which the Honourable Member for Bridport has just now adverted. Undoubtedly, it did give a great temptation to persons, so long as these taxes might be paid at any time before the election, to say to the candidate, "If you will pay our taxes for us, we will vote for you, as we are well disposed to do." (Always, I presume, entertaining this conscientious disposition precisely for that party in whose cause success might appear to them most likely.) But I am surprised that the Honourable Gentleman should object, that everybody must pay these rates up to the 5th of April; and that then his name comes as matter of course on the register, which, by the usual practice, must be declared in the month of November. Now, how, if a party's name be in the register, you are to ask any person claiming to be qualified, to pay in November, or if not in November, how you are to ask any one whose name is so on the register to pay at all, I cannot understand. I am, therefore, very glad that the Honourable Member for Kilkenny did not allow himself to be imposed upon by the improper applications which he describes to have been made by candidates on his own liberality, or that of his Honourable Friend. The difficulty which exists under the Reform Bill is, it appears to me, increased by the measure which he proposes should be passed, because it says that the taxes must be paid up to the 11th of October preceding; therefore, if they have been already paid, the voter cannot require that there shall be any further payment; and it is hardly to be expected that it will be offered in order that he may obtain the right. It has been thought that there is a hardship in the Reform Bill drawing a distinction between voters for boroughs, and voters for counties. To that subject the general principle of the Reform Bill applies; for although it is required that the occupiers of houses in boroughs shall pay their rates, those voters for counties only are excused who possess copyhold, leasehold, or other property of that character, and whose solvency, therefore, cannot be doubted. As to the clause referring to 50*l.* householders, that was passed by the House of Commons; but the Honourable Member for Kilkenny is more answerable for that than I am, for he voted for it, which none of the Members of her Majesty's Government did. There is an error in the observation of the Honourable Member for Bridport, with regard to the difference which exists between the cases of voters for England and Scotland. Now, the difference between the two cases cannot fairly be pointed out, because there are no poor-rates in Scotland, at least of the same nature as those demandable in England. With regard to the taxes, the Scotch Reform Bill requires that they shall be paid; for there is a section in it which is —" Provided always, that payment shall have been made on or before the 22d of August in the present, or the 20th of July in any future, year, of all such rates and taxes as may become due," &c.; and how the Honourable Member can say, in the face of this clause, that the Reform Acts of Scotland and England are different, I am at a loss to imagine. He seems to be aware of it, and I shall be very glad to hear his explanation. If I had not pointed out this fact, I feel convinced that the House would have been misled.

Mr. WARBURTON. — Annual registrations are not required.

Mr. GILLON.— I am prepared to give my support to the proposition of the Honourable Member for Finsbury; and I think that the Honourable Member for Bridport is right in the view which he has taken of the question. The difference between the cases of the Reform Act for Scotland and that for England, is this: — that, by the Scotch Act, the King's taxes must be paid up to the time prescribed by the scheme of the Noble Lord. There are, happily, as the House is aware, no such rates in Scotland. But there is no renewal of the qualification indispensable; once upon the list, thus qualified by having paid the King's taxes, and always on the list. I conceive, therefore, that my Honourable Friend the Member for Bridport is perfectly right; and wishing to extend to my fellow-countrymen in England the same franchise as is enjoyed by my countrymen in Scotland, I shall support the amendment.

Mr. BAINES. — I do not object to this Bill because it is incompatible with the Reform Bill; but there are grounds on which I could approve of one part of its enactments, provided they were somewhat extended. The distinction raised in the Bill before us, as compared with the Reform Bill, is this, — that persons who have already been on the registry shall be entitled to a certain indulgence as respects the extension of time, for the payment of their rates and taxes, in order to give them the necessary qualification for exercising the elective franchise. That is to say, that by the Bill as it at present stands, this extension of time for the purpose in question, applies to those persons only whose names shall have already been on the register of the past year, but not to those who claim in virtue of their occupancy, to have their names inserted on the register for the first time. This is a distinction unknown to the Reform Act ——

[Cries of " No, no! "]

If this construction of mine be wrong, then I am open to the charge of not understanding the intention of this part of the Act. My clear impression is, that if a party has been on the register during the past year, then he is to have the indulgence of this extension of time; but if such be not his case, it is not to be permitted to him.

LORD JOHN RUSSELL. — The provision is simply this, that persons who are now on the register, but have paid up only to a given period, shall have that period extended to the time named in the Bill, but this provision is not to apply to those who are not already on the register.

Mr. BAINES. — Let me, then, beg the Noble Lord to observe the situation in which two persons claiming at the same time to be put on the register may stand in relation to each other. A person who has been already on the register, is required to have paid his rates and taxes — say up to the 11th of October, but has not paid within so many months of that time. He is to be indulged by having this extension of the period allowed to him. Another party, occupying a small farm, for example, and whose receipts have been precarious and uncertain in point of time, may have paid up his rates and taxes to the same quarter, but not within the period required by the Act, and him you will not allow to be placed on the registry. I hope the Noble Lord will extend the time for the payment to the 11th of October in the preceding year, as well as to those names which are not in the former register as to those that are inserted in that register. I may mention, to show the importance of this alteration, that in the borough which I have the honour to represent, there were upwards of a thousand names claiming to be registered in the last revising barrister's court, not one of whom could have availed himself of the benefit of this Bill if it had been passed into a law. I do not see why this distinction should exist. The right to vote was intended to be given to every one who had a house or premises of 10*l.* rental, and I cannot see how anything could be more detrimental to the beneficial operation of the Reform Act, than to give to the privileges accorded under it a parsimonious or a partial operation. I should suggest this alteration in the Bill, — that, instead of putting this arbitrary limitation on the matter of time, all persons should be eligible, being otherwise qualified, who have paid rates and taxes previously on account of the same houses or premises in respect of which they are registered. I think that anything like an invidious — I might almost say an eleemosynary — distinction of this kind is extremely ill-advised. If you give the privilege you propose to give, freely, and without enforcing the restraining principle of this Bill (and I think there is nothing inconvenient in the sort of alteration now proposed), you are much more likely to remove those evils of which you complain, than by any other mode. This alteration has been called a boon; if it be such, it is an extremely trifling one, and, for my part, I am at a loss to conceive how you can feel yourselves justified in refusing it.

SIR SAMUEL WHALLEY. — I am aware how little chance any proposition, emanating from the small Radical section which occupies these benches has of succeeding in this House, unless it be supported by a more powerful party here than themselves. As I am very favourable to my Honourable Friend the Member for Finsbury's amendment, I much regret the absence of the Right Honourable Member for Tamworth from his place, as he, in the Committee on the Reform Bill, opposed the ratepaying clauses, and said that they would open a wide door to bribery and corruption, and prove an inducement to needy tradesmen to keep their rates and taxes not paid up, in order to make their discharge the price of their support to a candidate. The same view was taken of the subject by the Right Honourable Member for Montgomeryshire (Mr. C. Wynn), who stated that he had long been resident in London, and had never yet been called on to pay his rates and taxes till long after they had become due; and, therefore, the neglect of a collector, whether designed or unintentional, to call for them within the period limited by that Act, might, without the ratepayer's knowledge, effectually disqualify him for voting. It appears that by the operation of these clauses hundreds of thousands of persons, in every other sense but this technical one entitled to the franchise, are deprived of the right of voting. Whilst I am on this subject, I may quote the opinion of another eminent authority, namely, Sir Charles Wetherell, who, though he warmly opposed the Reform Bill, contended that you could not reconcile the 10*l.* householding franchise with the conditional obligation as to payment of rates and taxes within an assigned period, and the possibility of that franchise being exercised with the integrity of an honest man.

MR. PRAED. — I object to the amendment as well as to the original clause. An Honourable Gentleman seems to suppose that there is a disposition on the part of the House to find fault with the working of an important portion of the Reform Act. I do not, however, oppose the amendment on the grounds urged by the Noble Lord. The machinery appears to me to be very simple. In the case of counties, the constituent, in the first instance, must send in his claim and the proof. Subsequently to this, his name is put on the register, and there it remains, without any renewal of it at all, so long as the rates and taxes are paid up agreeably to the requirement of the statute: and for this reason, — that, on the first occasion of asserting a right, it is necessary to demonstrate the qualification. I cannot understand how the Honourable Member for Leeds can hear, without animadversion, the reply of the Noble Lord, when he says, that the Scotch Reform Bill does not do what it is now wished to do with this. But the Honourable Member for Falkirk (Mr. Gillon) justly says, that the franchise is there acquired by being entered on the registry, once, in virtue of a specific qualification, which must be proved, and afterwards it remains to the party so registered permanently. The Honourable Member for Finsbury has attributed to me that I have said it was only the rich and the respectable who paid up their rates — that it was only the poor and disreputable who did not. I not only, however, did not say this, but I carefully protested against being understood so to say. I have no objection to the general principle of the Bill, and I trust that the House will abide by these ratepaying clauses, which I consider some of the most important parts of the Reform Bill. I shall uphold the Act as it now exists. The Honourable Member for Marylebone has read to us the opinions of many Gentlemen on this side of the House, who have expressed themselves on the subject of the proposition of the Honourable Member for Finsbury in accordance with his (Sir S. Whalley's) opinions. If those eminent authorities were present, however, with a cognisance of the subsequent working of the Reform Bill, I am inclined to think they would adhere to that view of these passages which I have ventured to take.

Mr. HALL. — I entirely agree with the Honourable Gentleman who has just sat down and with my Honourable Colleague, that the principle of the Reform Bill on which the elective franchise was conferred was a very good one. But I have, also, no doubt that if the Right Honourable Baronet the Member for Tamworth were in the House, he would support the amendment of my Honourable Friend the Member for Finsbury. I believe that there are no clauses in the Reform Bill so detrimental as those which enforce the payment of rates to qualify for voting. The presence of an Honourable Friend of mine, who sits near me, suggests a remarkable proof of this; and I believe I am correct in stating, that it has happened to the Governor of the Bank of England, among others, to be disqualified to vote by reason of having neglected to pay up his rates and taxes within the required period. I know that parties have come forward and asked to be permitted to pay the rates and taxes of particular individuals, with a view to qualify them to vote at the next election. I have no hesitation in saying, that I have done so myself, and have thus induced many constituents ultimately to vote for me.

[Much laughter, and, cries of "Oh, oh!"]

Why, Sir, I have no shame in saying this; I have done so often; and so have many other Honourable Members of this House, likewise, if you could but get them to tell you so. I contend, that the 10*l*. franchise should be carried to its full extent, and not be restricted by these ratepaying clauses; for the real question is, — is the 10*l*. franchise, or is it not, sufficient? If it be, we have no right to neutralise the franchise by any condition as to the payment of all arrears of rates and taxes.

Mr. JERVIS. — I believe that the Honourable Gentleman who spoke last, instead of entertaining any apprehension as to what might be the real construction of the cheers which he has received, ought to have much credit with us for the frank avowal which he has made; for I am confident, that if we were all asked whether or not we had ever heard of this indirect sort of corruption, very few of us could say that, at some time or other, we had not resorted to it. As for me, I have the happiness to represent a body of free electors, far above the reach of any such corruption. I only rise, however, to caution the Noble Lord as to the probable mode in which this proceeding will be received from his hands by the public. They will take it as I take the measure, namely, as an indication of the policy of the Government — a truckling, half-and-half compromising expedient, which it is impossible to justify, and which ought to exasperate the whole of the electoral constituency of the country; and as unquestionably as the House of Lords will turn out your Bill, so, too, the people of England will find fault with the Noble Lord's Government; and giving it no credit for the introduction of this measure, will, on the other hand, attribute to Honourable Gentlemen who sit on the opposite benches, a greater desire to vindicate their privileges.

Mr. LEADER. — There must be some misapprehension, I think, in the statement of my Honourable Friend the Member for Kilkenny. I cannot suppose that any of the electors of Westminster would have applied to my committee to pay up their rates and taxes for them as the condition on which they would give me their support. But I may say, that I have had hundreds of applications from electors of Westminster, and others, who, either from some trifling negligence on their part, or for some other cause, do not happen to have paid up their rates in time, and thus, although in all the cases 10*l*. householders, have become disfranchised, and had no opportunity of effectually recording their sentiments at the last general election. This sort of thing does not happen in the city of Westminster alone, for when I sat, in a former Parliament, for the borough of Bridgewater, repeated complaints were made to me of the operation of the ratepaying clauses of this Act. In several instances I have been told that certain individuals were every way disposed to vote for me, but that they had disqualified themselves under these clauses; and it has been urged upon me, "not to let the opportunity slip, but to pay up, for these parties, their arrears of rates and taxes." I think this must show the House that that portion of the Reform Act works, to say the least, as a restriction on honest voting. The proposition of the Honourable Member for Finsbury is precisely, in its effect, what the great body of the electors desire: that is, to be placed on precisely the same footing as the Scotch electors. As to the non-payment of rates and taxes amounting to anything like a fair ground for imputing a want of respectability to those who fail regularly to pay them up, it has been already shown, in the remarkable instance cited by an Honourable Friend of mine, that those whose station, conduct, and opinions must place them far above the reach of any such imputations, do yet, on occasion, accidentally permit these matters to run in arrear; for example, the Speaker, even, of the House of Commons, or the Governor of the Bank of England, has sometimes been among the ratepayers in arrear within the limits prescribed by the Act. These clauses, in short, place a great and almost irresponsible power in the hands of overseers, and operate to the corruption of many voters. The adoption of the amendment would make the measure satisfactory to the great body of voters. I think that the demand of rates and taxes is a very unfair one on persons whom we have already declared to be fit to possess and to exercise the elective franchise.

VISCOUNT EBRINGTON.—I must say that I think the proposition of my Noble Friend has not been fairly dealt with. On the other hand, upon the principle of the amendment proposed by the Honourable Member for Finsbury, I should say I was inclined to concur with it, for I do not think that enforcing punctuality in the payment of rates is the best test of qualification in voters; but I must really vote against the amendment, as it would tend to the defeat of the Bill. I shall therefore divide with my Noble Friend.

COLONEL SIBTHORP. — This is nothing more than a case of "Whig *v.* Radical," and "Radical *v.* Whig" I am only the more and more satisfied that it is to this side of the House, and to their forbearance alone, that the Government opposite, and those by whom they are supported, owe their continuance in office for a single hour. All this only shows that the sooner Honourable Gentlemen on this (the Opposition) side of the House go out of it, and leave the two parties of Whigs and Radicals (for neither of whom do I entertain the slightest feeling of personal respect) to fight it out the better. I have heard the Noble Lord, over and over again, declare that he meant the Reform Bill to be a final measure. If, however, it is to be amended by this Bill, it is again said that this Bill is to be final. If so, why then are not all the ratepayers to come in as constituency? Why should not the 10*l.* householder for the county come in as well as the 10*l.* householder for the borough? It is absurd to say that the 10*l.* householder in the borough pays so much heavier taxes than the county 10*l.* householder. I have no objection to the 10*l.* householder, for my part, but I do object to say that the 10*l.* freemen of the city of Lincoln, any of them, are not equal to the 10*l.* householders. I only want you to legislate more equally between two classes of the community of constituents. I look upon the present question merely as a choice between two evils. The proposition of the Noble Lord is a truckling measure,—that of the Honourable Member for Finsbury is a little more so; and, under all the circumstances, I think I shall best discharge my duty by declaring that I will vote for neither the one nor the other.

MR. C. BULLER. — What I think one of the best provisions of the Reform Act is the 50*l.* leasehold qualification for county electors; though I believe that it had been still better to have pushed that principle of qualification still further, for I hold the extension of the 10*l.* household suffrage to be the best universal qualification or test whereby to give the franchise to electors of counties as well as of boroughs. I think the amendment which has been moved on this occasion, is the only sound proposition that has yet been thrown out on the subject, which is calculated to do away with the existing abominable system of frauds. It was without surprise, but not without great regret, that I have heard the Noble Lord oppose the proposition of my Honourable Friend the Member for Finsbury, for I cannot understand on what principle the Noble Lord wishes that we should give our assent to the scheme which he proposes to us. I must say, that my Noble Friend, learned as he is in the conduct of private Bills, really rates at too low a scale the sagacity and discernment of the House of Lords, if he really thinks that the Noble Lord the Secretary for the Home Department will win the Lords to consent to his Bill. The fact is, that its object is, by indirect means, to accomplish the repeal of the ratepaying clauses. It will give time to those who have lost by negligence or inattention, or other causes, their elective franchise—for the next occasion upon which it may be called into exercise, the means of regaining it. But I give the Noble Persons in the other House, and Gentlemen who sit on the other side of this, credit, it seems, for a great deal more sagacity than my Noble Friend (Lord Ebrington) seems to do. We stand on the original intention of the Reform Bill itself. That intention was, to give the elective franchise to 10*l.* householders in towns. It was an afterthought altogether, to make it dependent on the payment of rates and taxes. This clause has worked mischief which it imposes upon us very great difficulty to overcome. It has enabled overseers and other parties to take great liberties with this franchise in the cases of individuals, according to their own political bias and views. In this way, many of the most responsible and regular and respectable ratepayers in a parish, either by their own unintentional neglect, in not keeping up these payments of their own accord, or the neglect of such overseers and churchwardens in calling upon them at the accustomed times for these payments. In this way, the accumulation of these cases of arrears becomes a great fraud on the object of the establishment of the registration courts. I believe nothing was ever more free from fraud than the system of registration itself instituted under the Reform Act. This condition of paying arrears of rates is about the most injurious device to diminish and neutralise the efficiency of a plan, well matured in its origin, that ever was hit upon. Its effect is, to drive a man to prove his case — his title to the franchise — by books, by entries, and by receipts, and by a money qualification. Now, in the ratepaying clauses, you have, to a very great extent, increased the difficulty and litigation already inseparable from a law of that nature. It seems to me, that by the proposed alteration, you leave too much power still in the hands of the overseers and others, though, in respect of the relief which it purports to afford from an admitted hardship and injustice, it may be all very well, so far as it goes. The measure, however, is so ingeniously framed, that it is morally sure of being rejected by the other House. It can have no other effect, and I really believe has no other end, than to compel the people of this country, of all classes, to believe that the original intention of the Reform Act was that which it has become essential to defeat.

The CHANCELLOR of the EXCHEQUER.—Before I answer the question of the Honourable Gentleman who has just sat down, I wish to say one word in answer to the observations of the Honourable and Gallant Colonel, the Member for Lincoln, as to the mode in which he appears to have mixed up in his mind two things very essentially different. This proceeding, on the part of my Noble Friend, is altogether a fair and a proper one. I must take leave to tell the Honourable and Gallant Member, that it is an object of very doubtful policy, to carry into effect the law as it now stands, upon the points to which he has adverted. It is of very great importance, that we should endeavour to carry this proposition of my Noble Friend's into law, because the Act, as it now stands, has an operation which is both partial and irregular. The Honourable Gentleman who spoke last argued, in my judgment, in a most inconclusive manner indeed. He says that this Bill is so good in itself, that its preamble almost includes whatever was good in the amendment of the Honourable Member for Finsbury. If the Honourable Member for Liskeard is right in this impression, it furnishes a good reason for his supporting the proposition which he is going to vote against. But there is a very great distinction between the case we go upon, and that on which he rests his objection, where persons, either by the conduct of the overseers, or other persons connected with the collection of these rates, &c., may be improperly disqualified. The proposition which the Honourable Member for Finsbury resolved to propose at first, regarded the relief to be given to those who had merely omitted to pay the rates. The other, which I understand him now to advocate, proposes to relieve those who cannot pay their rates at all. The one proposition is that, in fact, which my Noble Friend advocates, and would merely restore that which, it has been well said, was the original operation it was meant to give to the law; the other desires to effect that which the original law did not mean to do at all. I think that the Bill which the Honourable Member for Liskeard so much deprecates, is one which is of a most beneficial and eligible nature, and no departure in principle from that of the Reform Bill itself. It goes simply to remedy an admitted defect or grievance, arising out of the operation of one of the clauses of that Act. Even the Honourable Gentlemen opposite have animadverted very strongly on the abuse of these ratepaying clauses, for purposes of corruption; but they seem wholly to have omitted the consideration, that if this Bill do not pass, the attempts at practices of corruption must necessarily increase. On all these grounds, without disputing the claim to superior popularity with the Honourable Member for Finsbury, in the course that has been respectively taken by us, I say that ours is a feasible proposition, in which we have the concurrence of not a few Honourable Gentlemen who are invariably opposed to us; and that the best thing which could happen would be, for those whose opinions concur with ours, not to depart from the House, but to throw their weight into the scale of a party, the various shades of whose political sentiments must render their concurrence, on this occasion, an evidence of entire impartiality, as well as unanimity. I say, it would have been quite open to the Honourable Member for Finsbury to introduce this as a subsequent measure; but it is not quite fair to engraft it in this way on another measure, the effect of which is clearly to throw obstacles in the way of the just operation of the Reform Act. Finally, to those Honourable Gentlemen who say that this Bill does nothing, I would observe, that this Bill is but a renewal of one which was introduced a few years ago, and received the support and patronage of Parliament; and that that support, on such former occasion, was given to it by many of those Gentlemen who are opposed to the present measure.

SIR E. SUGDEN. — As having taken some part in the discussion of these clauses in a former year, when the Reform Bill was before us, I am disposed to offer a few remarks on the speech chiefly of the Right Honourable Gentleman who last addressed the House. I understand from him that the Government depend for support, on this occasion, not only on those who usually vote with them, but on Gentlemen who hold extreme opinions, for the most part, in hostility to their own. And now, if I were obliged to choose between the proposition of the Noble Lord, and the amendment of the Honourable Member, I should adopt the tter; as doing that in an open and ctual manner, which the Noble Lord's proposition indirectly tends to bring about ultimately. When the Reform Bill was in agitation, it was, over and over again a thousand times, described as a final measure; and I call upon the Noble Lord now to adhere to that measure, and withstand any further innovations. I have some right, with the permission of the House, to speak on this subject, for these reasons:—When the proposition was originally brought forward by Lord Althorp, it had two great objections; the one was, that, to qualify the elector to exercise his franchise, he must pay rates and taxes; the other, that, to enable him to exercise that qualification, the rates and taxes must have all of them been paid up to within a period immediately prior to the election. Now I, who had been considered so moderate an opponent of the Reform Bill, voted and protested from the first against the ratepaying clause, as that which would prove the source of grievous oppression on the part of landlords. I had, therefore, opposed it so often, that at length Lord Althorp said, in this House, he would withdraw it, and it was withdrawn. I may prefer, then, my humble claim to the merit of having put these points on a good footing, as they now stand in the Reform Bill. The Noble Lord, on the present occasion, founds his argument on this: — "We desire to protect the ratepayer against his own negligence, or the designed or accidental neglect of churchwardens, their collectors, and others; we have no desire to take away the qualification of the ratepayer." So saying, what you propose to do is, — to open the ratepaying clause so far as regards the limitation of time, and thus to extend the franchise as to the number of electors. The fact is, that you, the Government, desire, by a little conciliation and relaxation of the rule, so to reduce and alter its bearing, that, at the last, the result would be to let in the whole effect of the amendment of the Honourable Member for Finsbury. But I, Sir, am opposed now to all alterations whatever of the Reform Bill. I, Sir, have heard, within these six years, a strange and striking alteration in the language of people about this neighbourhood. When I was last here, I was told, if I happened to offer a single word against the then pending Reform Bill,—if I pointed out the most glaring abuses which might by possibility result from it, —"Oh! the people are knocking at our doors;— the people are determined upon carrying this Bill into full execution." Now, no person has been more zealous to observe that Bill since it was enacted, than I have been; for I hold it to be the duty of a good Conservative, to oppose what he thinks bad in legislation as best he can, while it is still only in contemplation; but that to such an enactment, when it has once passed into a law with the sanction of the Legislature, it is his duty to conform. But I have since listened in this House to complaints, that the crowning triumphs of the Reform Bill had produced evils under which no free constituencies could exist; and I have been present when very eloquent declamations were made on the final nature of the "new constitution," as it was named, under which we were called on to live. If I could suppose that the Honourable Gentlemen who held this language really gave us any indications of the state of the public mind on this matter, I might be even sorry for, but I could not wonder at it. I tell the Noble Lord that, if he gives way in these particulars to-day, he will be compelled to come forward and support a motion for the repeal of the Act, should it be brought forward to-morrow. It appeared to me, just now, that my Right Honourable Friend the Chancellor of the Exchequer stood in a very painful situation with relation to what he found himself called upon to say, as to the notions which some men had taken up of the Reform Bill. His speech amounted to this:— "Take my views, and you will be right; — adopt my course for your pattern; — mine is the only true, infallible nostrum." The Honourable Member for Finsbury, though he has not got the same three powders wrapped up in three papers, of which the Noble Lord spoke on a former occasion, as being tendered to the Government by that Honourable Member's colleague (Mr. Wakley), has yet a more insidious preparation to offer, and I caution the Right Honourable Gentleman against it. I call on the Noble Lord (J. Russell) to stand in the gap; and, seeing that greater changes have already been effected within the last ten years than had taken place in many previous centuries, in our constitution,—I appeal to him to stem and turn this sweeping torrent of innovation. Let him be assured, that all these small attempts must merge in more organic changes. Now I, Sir, am against all further changes: I am for the Reform Bill. I have had some experience in the working of the Reform Bill. My Right Honourable Friend has seen, and knows that I have had this experience; and though he was the victor, and I was the vanquished, on that occasion, yet I do say, that the good sense and good feeling of the people of England have caused that Bill to work better — far better — than I ever expected it would do. I therefore tell the Noble Lord, that he cannot do better than "to let well alone." I hope he will not be induced to comply with any more of these propositions.

LORD JOHN RUSSELL. — I cannot but take some notice, on the part of her Majesty's Government, and especially in reference to the speech of my Right Honourable Friend the Chancellor of the Exchequer, of the astounding fact, that after the many discussions which we have had on the Reform Bill, in a former Parliament, and in which the Right Honourable and Learned Gentleman, who has just spoken, took so active and hostile a part against us, that Right Honourable and Learned Gentleman should have thought it right to lecture us on the wisdom of "leaving well alone." I cannot but recollect that, when the Reform Bill was in progress, he himself constantly got up in his place (for none more vehemently opposed it) and contended that it was a measure which would take away all the health and bloom of the constitution, — that it would tend to the total destruction of the empire, — that it would overwhelm us all, — that neither Chuch nor State would survive among us five years after it had passed. Nothing of this sort has happened; and now the Right Honourable and Learned Gentleman comes back again to the field of his former efforts —

——— "belli signum, ——— Turnus ab arce
Extulit"———

He still makes war upon us; but it is a war of a different nature from that which he formerly waged. Instead of contending stoutly against the Reform Bill, he is now only anxious to maintain it, though I am bound to add, that he bears a fair and handsome testimony to the failure of all his predictions of the evils which he once thought likely to arise from it. Surely the Conservative principle cannot be of a very strong or tenacious nature, when we consider the anomalous conduct of those who should now, in consistency with their former declaration, that it contained within itself the seeds of dissolution, rather ask leave to repeal it, than call upon me to stand by its provisions; and who, unless some Gatton or Old Sarum should again arise in the scheme of our borough representation, to strengthen their hands, and to save the constitution, must, by their own showing, be reduced to the hopeless expectation of witnessing nothing short of the decay and ruin of the country. As for the ground of attack upon which it has pleased the Right Honourable and Learned Gentleman to proceed, in reference to myself, and to any grounds of political difference between the Honourable Member for Finsbury (Mr. T. Duncombe) and me, I cannot say (though I should have been better pleased if that Honourable Gentleman and his Honourable Friends had not moved any amendment on my motion) that they have done anything which I might not have expected from them as very staunch supporters of the Reform Bill. For, Sir, although they said, at the time, that the Reform Bill was a great and beneficial change in our existing system of representation, this was not a portion of it with which they professed themselves to be satisfied. What they contend for now is (and I am not prepared to say inconsistently with any of their former arguments), that property suould have nothing to do with the elective franchise.

[Loud cries of "No, no!" and "Hear, hear!"]

Why, that is the principle which the Honourable Gentlemen, who are now cheering, did strenuously insist upon; whereas the principle which I have always contended for, and which I still maintain, is, that the original scheme of the Reform Bill, which required this species of qualification, as the condition of exercising the elective franchise, should be upheld. But I never did intend to deny, that whenever the proper occasion and the proper state of circumstances might arise, I would be ready to grant any inquiry, or to discuss any measure, that might be proposed for the remedy of any defect in the Reform Act. I am rather inclined to think that, if we were to retain the clauses of the Bill in this part of it, we should be accessory to the infliction of great hardship upon a large body of the constituency. I have only again to express the great satisfaction I feel, whatever may be the result of the present proposition, that that very Reform Bill, which has been the subject of so much denunciation and objection in this House, should now have found, in the Right Honourable and Learned Gentleman, heretofore one of its ablest opponents, one of its most strenuous advocates.

Mr. CHARLES BULLER.—The Noble Lord, among other rather gratuitous assumptions, in which he has just now indulged, has said, that the object of all those who vote with me, on the present occasion,—that the whole of our object—is, that property shall have nothing at all to do with the qualification or condition of exercising the elective franchise. Now, really we suffer rather too much already under these loose imputations. This is the sort of charge commonly brought against us by Gentlemen on the other side of the House; and, coming from them, is, perhaps, little to be wondered at. I did scarcely expect to hear it from the Noble Lord, and want to know how the Noble Lord intends to make it out?

LORD JOHN RUSSELL.—One word in answer to the question of the Learned Member for Liskeard. What I say is, that the principle which would be affirmed by this amendment is, that property would not be preserved as the basis of the qualification to exercise the elective franchise. What I contend for is, that if you have a 10*l.* household qualification, conjointly with that of the payment of rates and taxes, you have a guarantee that the party claiming to be an elector is competent to occupy a house of that value. On the other hand, mere occupation, without this condition of the payment of rates and taxes, would give you no means of testing this competency.

Mr. O'CONNELL.—The Right Honourable and Learned Gentleman (Sir E. Sugden) has told us what he considers to be the duty of a good Conservative; from which it appears, that whatever may be propounded to the Legislature, in the shape of a law,—however defective or oppressive it may be,—still, when it has once passed into law, he is bound to give his obedience and support to it.

SIR E. SUGDEN.—Hear, hear!

Mr. O'CONNELL.—Oh! well, then, I wish to ask him this,—how, if this very Reform Bill had happened not to have had the aid of the Right Honourable and Learned Gentleman's powerful talent, in getting rid of that rent-paying clause, and all the other mischiefs which would have ensued from it,—he would still have followed out that singular species of principle which he denominates "the conserving principle?" Would he, as he has advised the Noble Lord to do, "have let well alone?" Would he have said to those objectionable passages—"Stay there!" Just as if every improvement, to be sure, was not in itself an innovation. I think, in the present instance, it would be undoubtedly a great improvement to adopt the amendment which has been proposed in this part of the clause; and I will therefore support the amendment.

SIR E. SUGDEN. — My explanation is simply this: — I never said anything about the conserving principle, which the Honourable and Learned Member for Dublin has talked about. I spoke of obeying that which was law. I said not a single word about the duty of not altering a law, though it might not be a beneficial one. I spoke of the duty of a Conservative to obey a law, whilst it was the law. I do not know, by the by, whether the Honourable and Learned Member for Dublin quite agrees with me in that proposition.

[Cheers and laughter.]

Mr. O'CONNELL. — I am glad to hear those cheers, and trust they will gratify the Right Honourable and Learned Gentleman, who, I am sorry to see, has got a little out of temper.

[Cries of "Oh, oh!"]

SIR E. SUGDEN. — I can assure the Honourable and Learned Gentleman I am not at all out of temper.

Mr. O'CONNELL. — This only shows that persons in a good temper can say remarkably uncivil things. I believe I feel the obligation to obey the laws of my country as deeply as the Right Honourable and Learned Gentleman.

The Chairman then repeated the question on the first clause ("Rates and taxes of persons already on the registry of parliamentary electors for boroughs, need not to be paid beyond the 11th day of the previous October"), and the amendment proposed, namely, at line 10. to leave out the following words, "whose name is or shall be upon the register, for the time being, as entitled to vote in the election of a Member or Members of Parliament, to serve in Parliament for any city, town, or borough in England."

Question put, "That the words proposed to be left out stand part of the clause."

The Committee divided: —

Ayes	. . .	206
Noes	. . .	107

Mr. BAINES. — Has the Noble Lord any objection to an amendment which I have to propose to this clause, the object of which amendment is to render it sufficient for the elector to have paid one year's taxes before his name is entered on the register, without any inquiry whether he has paid any former rates or taxes? This, I conceive, will answer all the purposes of the Reform Act. At present it is competent, before the revising barrister's court, to enter into the assessment books, for many years previously, in order to examine whether parties have paid up "all" their rates and taxes or not. I have attended many of these courts, and found attorneys and their clients waiting, at great inconvenience, while the proceedings of the court have been most uselessly retarded by references, and examinations into payments, made as much as twelve years before. I should suggest, that one year would be quite sufficient to satisfy the exigencies of the Act. If my proposition meets with the approbation of the Noble Lord and of the House, I will press my amendment; if not, I will not trouble the House to divide upon it.

LORD JOHN RUSSELL. — I think that this alteration can be better discussed when the Registration Bill is before us. I approve of the suggestion, and can only express my surprise that the division which has just been come to renders inquiry into retrospective payments necessary.

The amendment (of Mr. Baines) was then, by leave, withdrawn.

On the question that the clause, as amended, stand part of the Bill, —

Mr. MACLEAN said: — The intention of the Legislature in the Reform Act must have been to test the solvency of the party, by the fact of his paying the rates and taxes therein mentioned, that had accrued within a certain period before the election at which he claimed to vote, "if" he could pay them. But there ought to be a condition appended to this enactment, which should not leave it to be inferred, as this Bill does, that the whole of them must be paid up to a period which may only immediately precede the election. I therefore object to this clause standing part of the Bill.

The Committee then divided on the question, "That the clause stand part of the Bill."

Ayes	214
Noes	118

Mr. JERVIS.—I move, Sir, as an amendment, that no sum of money shall hereafter be charged or paid on the registration of any vote, for the purpose of registration under the Act.

LORD JOHN RUSSELL.—The Honourable Gentleman may be quite right in the general principle which his amendment would affirm, but I submit to him whether the present is the proper opportunity for bringing it forward?

Mr. JERVIS.—I will take the sense of the House upon my amendment.

An HONOURABLE MEMBER.—I wish to know whether this fee is exacted for entries upon registries for counties only? If it is intended to continue the imposition of the fee for registration in the case of boroughs, I will support the amendment.

Mr. JERVIS.—My object is, that no money whatever shall be paid for the registration of any elector claiming to vote at elections, whether for counties or for boroughs.

Mr. BERNAL (Chairman).—I beg to call the attention of the House to this amendment, which it is clear has for its object matter that will not come within the scope and meaning of the title.

Mr. JERVIS.—With all submission, I will show why it will. The Reform Bill directs that one shilling shall be levied on each person claiming to be registered, and being registered accordingly as a voter at elections of Members to serve in Parliament for any borough or county of England or Wales. Now the object of the Bill before us is to relieve electors, freemen, and others, whose names are already on the register, from the necessity heretofore imposed upon them of having paid up their rates and taxes to a certain given period anterior to the election at which they may claim to vote. I trust that the Committee will see that the object of my amendment, which goes to relieve the voter from a certain money payment, on registering his vote, is quite analogous to the object of this Bill.

The CHAIRMAN.—The title of this Bill is "Parliamentary Electors Bill;" a Bill to regulate the time of payment of rates and taxes, and so forth. It says nothing at all about the payment of any registration fee.

LORD GRANVILLE SOMERSET.—If the Honourable Gentleman the Member for Chester will move that this Bill be recommitted, and subsequently, in committee, discuss this point, I shall be happy to support him. I do think it is a monstrous thing, when you require a man to qualify under the terms of the Act for the exercise of the franchise, to charge him with a fee for his registration.

Mr. PRAED.—I remember, when this Bill first came before the House, a similar question was raised, on the proposal for substituting a small stamp duty in place of the registration fee. It was then suggested, that not even by an instruction to a committee could you authorise the introduction of matter foreign to the title of a Bill; and I certainly expect that the same course shall be pursued with regard to the Bill now before us.

Mr GOULBURN.—I must venture to differ from my Honourable and Learned Friend. The objection taken on the former occasion, to which he has just alluded, was, not that it was not competent to move an instruction, but that it was unfair to introduce in committee on a Bill an instruction which did make a far more sweeping alteration in the general existing law than the Bill itself proposed to effect.

LORD JOHN RUSSELL.—As to the matter of form, I beg to suggest that we had better, now, be allowed to bring in our own Bill.

Mr. JERVIS.—Very well, then, I will hereafter prepare a clause to the effect I have proposed, which I can move at some opportunity which the House may consider more convenient for such a purpose than the present occasion.

The House then resumed, and the Report was ordered to be brought up on Friday next.

COAL TRADE (PORT OF LONDON) ACT.

Mr. LABOUCHERE.—Although the subject upon which I have risen to address the House is one of great importance, I trust that it will not be necessary for me to detain the House at any length in bringing it under their notice. I am about to move for the continuance of a

Bill which was brought in by Mr. Frankland Lewis seven years ago, to regulate the coal trade with the midland counties and the metropolis; and for this purpose I shall move a resolution in a committee of the whole House, in order to found thereon a Bill for the renewal of the said Act. That Bill, it may be remembered, provided for the sale of coals by weight; and its duration was limited to seven years. If we do not now renew that Act, the consequence will be, that the old system of conducting the trade and supply of coals in this part of the country will revive, and with it must be reinstated all that onerous system, with its innumerable vexations and inconveniences, which was repudiated on the earnest representations of almost every district in the metropolis. But I shall not propose to pass a Bill of so much importance, and affecting so materially the comforts of a vast population, without laying before the House the means of looking clearly and accurately at the matter, and of seeing whether it may not be possible to impose duties which shall operate less onerously and vexatiously than the duties which I propose, in part, to re-enact and to consolidate. This object, I think, may be best secured by referring the Bill, after a second reading, to a select committee up-stairs, where it may be most efficiently investigated by those who are best informed on the subject. Having already communicated with the gentlemen who are principally connected with the collieries in the north of England, and with the various gentlemen who are interested in the coal trade, I have the satisfaction to find that the provisions of the Bill are generally approved of. I have one further point, however, to state, which has afforded me, as I trust it will afford the House, very great satisfaction. When the city of London was first applied to, and apprised of our object in bringing forward this Bill, it very handsomely offered to give up one half of the duty at present leviable on every ton of coals which comes into the port of London, and a moiety of which goes to the support of the coal market. This duty is about 1*d.* per ton, and amounts alone to a charge of 6000*l.* per annum, on a commodity of primary necessity, and on the cost of which every reduction must be considered to be of extreme importance to the consumer. I shall also propose that it shall be an instruction to the committee up-stairs to inquire into, and report upon, the principles on which the coal trade is at this moment conducted. These are the general views which I think it necessary to open, on introducing this subject to the House. I beg to add, that the committee will receive very valuable assistance and information from an able and elaborate Report, presented to this House by a committee which sat upon this subject in 1836, and which Report was drawn up, I believe, by the Honourable Member for Kilkenny. As it will be necessary for me, as a matter of form, to move a preparatory resolution, I will, in the first place, propose that you, Sir, do leave the chair.

LORD GRANVILLE SOMERSET.—I hope that not alone the interests of the north country coal-owners will be examined into and consulted, but that those also of the various coal-owners of Wales, and other districts of the kingdom, will be investigated by this committee. I trust that the coal-owners from the west and the south will be called upon to attend, as well as the great producers of the north. I hope I shall be excused for saying thus much, in reference to what might otherwise appear, however unintentionally designed, an invidious distinction in the announcement just made by the Right Honourable Member for Taunton (Mr. Labouchere), when he spoke of calling before the committee, the great coal-owners of the north. I only put in this *caveat*, because I believe that a very gross system of combination and intimidation, which goes much further than merely to increase the price of the commodity, does prevail in the coal districts, by the favour shown, or interruption offered, to those engaged in raising, loading, and unloading coals. I think the committee will not perform its duty, if it do not inquire into the very gross acts of violence which are being constantly committed in some of those districts on unoffending and industrious men, who are willing to work for moderate wages, but are prevented by these illegal combinations from pursuing their own wishes.

COLONEL SIBTHORP.—As I just catch a glimpse of one of her Majesty's Ministers, who, I am ashamed to say, appear to be always trying to escape from one's observation when there is any information to be asked for, I wish to know when the Noble Lord means to move the third reading of the Registration of Electors Bill, upon which I shall have something to say; and when those Returns, which I have so repeatedly moved for but never obtained, are likely to be forthcoming?

The House then resolved itself into a Committee on the Coal Trade (Port of London) Act; and—

Mr. LABOUCHERE moved a resolution, "That it is expedient to bring in a Bill to continue an Act for regulating the vend of coals in the cities of London and Westminster."

Mr. GOULBURN. — It appears to me that the resolution is at variance with the statement of the Right Honourable Gentleman in introducing this Bill. If I understand him rightly, he proposes that there should be a certain limitation of the duty levied on coals in London; but if I understand the resolution, it is, in fact, to continue the powers of an Act now on the point of expiring. The Right Honourable Gentleman will see that he cannot in that Act introduce any alteration, so that if he wishes to do so it must be by another Act of Parliament.

Mr. LABOUCHERE. — I had anticipated such a suggestion; and, before the Bill is committed, I will move an instruction that the Committee shall have power to alter and amend the Act in question. With respect to what has fallen from the Noble Lord opposite (Lord G. Somerset), I have merely to explain that my reason for mentioning the coalowners of the north is because it is on them the metropolis depends for its supply of that article. I am sorry to say that few or no coals reach the port of London from any other quarter.

The House then went into a committee, and a resolution, "That leave be given to bring in a Bill to continue an Act for regulating the vend and delivery of coals in the cities of London and Westminster, and in certain parts of the counties of Middlesex, Surry, Kent, Essex, Hertfortshire, Buckinghamshire, and Berkshire," was agreed to, and Bill ordered to be brought in by Mr. Labouchere and Mr. Poulett Thomson.

The Bill was then presented, and read a first time; to be read a second time on Thursday, and to be printed.

SUPPLY.

Mr. GOULBURN.—I beg to inquire when it is proposed that the House shall go into a committee of supply?

The CHANCELLOR of the EXCHEQUER. — On Friday next.

COURT OF SESSION (SCOTLAND) BILL — SALARIES TO OFFICERS.

On the motion of the LORD ADVOCATE, the House resolved itself into a committee on the Bill.

Resolved, "That the salaries which may be granted to the officers of the Court of Session and Court of Commissioners for Teinds in Scotland, in pursuance of any Act of this Session of Parliament, shall be payable out of the fee fund of the said Court of Session, and any deficiency in the said fund shall be made good in manner directed by an Act of the 50th year of King George III."

"Resolved, "That all compensations which may be granted in pursuance of the said Act of this Session of Parliament, shall be paid out of the monies which, by several Acts of her late Majesty Queen Anne, were made chargeable with the expenses of the Court of Session in Scotland."

Resolved, "That superannuation allowances and salaries may be granted to sheriff-substitutes and sheriffs' clerks in Scotland, out of the funds from which the salaries of sheriffs and sheriff-substitutes are payable."

Resolutions to be reported to-morrow; House resumed.

SHERIFFS' COURTS (SCOTLAND) BILL.

Reported, and recommitted for Wednesday.

COURT OF SESSION, &c. (SCOTLAND) BILL.

On the motion of the LORD ADVOCATE, reported, and recommitted for Wednesday.

Mr. GOULBURN.—It is determined now that this Report should be recommitted. I proposed, on a former evening, that if any alterations of a serious character were to be introduced, the committee should be deferred, that the House might know what were the intentions of the Government on the subject before going into committee on the Bill. This very reasonable suggestion, however, the Learned Lord did not consider it advisable to accede to. Now, on looking over the Bill, I find that, instead of its being nearly in the same state as when it was first introduced, as the Learned Lord led us to believe would be the case, there are some sixteen or seventeen clauses omitted or postponed, and the Bill is now left in a condition that I confess I do not very clearly understand. I think, therefore, it would be very desirable that it should be reprinted before going into committee again, in order that we may understand its purport.

The **LORD ADVOCATE**. — The clauses that were postponed were the money clauses, which, by the rule of the House, required a resolution of the House before we could proceed with them.

Mr. GOULBURN. — It was not only the money clauses that were postponed in committee. If the Learned Lord wishes to insert the money clauses, and then to reprint the Bill, before going into committee, that would answer all objections. But we ought to see the Bill before going into committee, because, in its present state, we cannot understand it.

Mr. ROBERT STEUART. — I was chairman of that committee; and I can say that the clauses in question were omitted because they involved compensations and payments of salaries, and which, according to the rule of the House, could not be proceeded with without a resolution of the House. There can be no objection to the Bill being reprinted by Wednesday.

Mr. PRINGLE. — There are many other besides money clauses omitted. That which regulates the practice and which alters all the arrangements of the office and the business of the office, is omitted from the Bill, and we are left in the dark as to the intentions of the Government with respect to this point.

Mr. R. STEUART. — The clause, of the omission of which the Honourable Gentleman complains, contains a provision of a salary to one of the officers of 500*l*. It is, therefore, a money clause, and was therefore omitted.

QUALIFICATION OF MEMBERS BILL.

Mr. WARBURTON moved the second reading of this Bill.

On the question being put,—

COLONEL SIBTHORP said: — I shall not oppose the second reading, but I hope the Bill will be thrown out in some one of its subsequent stages.

Mr. PRAED. — It is not my intention to oppose the second reading, although I have a great objection to the principle of the Bill; my opinion is, that the measure does not go far enough to effect its professed object, and that it will be perfectly nugatory in its operation. The object of the Bill is to prevent fictitious qualifications. But how will that object be effected? Now, there must be a real qualification; but this Bill allows a personal qualification, arising from the profit of a profession or otherwise. I would not so much object to a money qualification if it could be made practicable. The great objection now is, that there is no qualification at all; and if a money qualification be admitted, we ought to have a better mode of proving that the party is possessed of the required income. It appears to me that the present Bill will but increase the difficulties of which we now complain.

The Bill was then read a second time, and committed for Thursday.

SUPPLY.

Committee deferred till Wednesday.

PAYMENT OF RATES.

Bill "for the more effectual relieving of poor persons from the payment of rates or cesses." — Presented, and read a first time; to be read a second time on Wednesday, and to be printed.

PUBLIC PAPERS, RETURNS, &c.

Evora Monte. — Copy presented of convention of Evora Monte, depot of Spanish emigrants at Lisbon (Address 12th of December); to lie on the Table, and to be printed.

Moneys in Exchequer. — On the motion of the CHANCELLOR of the EXCHEQUER, Account ordered — of the moneys in the Exchequer, or remaining to be received on the 29th of January, 1838, to complete the aids granted by Parliament for the service of the year 1837, and antecedent years.

Account presented accordingly; to lie on the Table, and to be printed.

Exchequer Bills.—On the motion of the CHANCELLOR of the EXCHEQUER, Account ordered—showing the amount of exchequer Bills charged on the aids of the year 1838, outstanding on the 5th of January, 1838.

Account presented accordingly; to lie on the Table, and to be printed.

Negro Education (Jamaica).—On the motion of Sir GEORGE GREY, Address for—copy of a Report from C. J. Latrobe, Esquire, on negro education in Jamaica, with correspondence relating thereto.

New Zealand.—On the motion of SIR GEORGE GREY, Address for—copy of a despatch from the Governor of New South Wales to Lord Glenelg, dated 9th September, 1837, relative to the affairs of New Zealand.

Severally ordered.

Revenues of India.—Account (presented 26th January) to be printed.

Naval Receipt and Expenditure.—Annual Account (presented 2d February) to be printed.

Adjourned at a quarter after twelve o'clock.

HOUSE OF LORDS, Martis, 6° die Februarii, 1838.

The **Earl of Shaftesbury** sat Speaker.

RANDOLPH'S ESTATE.

Petition of Harry Chester, George Kinderley, John L. Tatham, and W. Fisher, being owners or proprietors of land and hereditaments, and rights of way near Highgate, praying to be heard by counsel against the Bill.—Read, and referred to the committee on the Bill, with leave to be heard as desired; as also counsel for the Bill.

THE QUEEN'S ANSWER

of Wednesday last.—Reported.

House adjourned during pleasure, and resumed by the **Lord Chancellor**.

IMPRISONMENT FOR DEBT BILL.

The **Earl of Shaftesbury** presented a petition against this Bill, from manufacturers, tradesmen, and others, of Birmingham.—Read, and referred to the Select Committee on the Bill.

SMALL DEBTS.

The **Earl of Devon** presented a petition for the establishment of courts for the recovery of small debts, from shopkeepers, tradesmen, and other inhabitants of Ottery Saint Mary.—Read, and ordered to lie on the Table.

IMPRISONMENT FOR DEBT BILL.

The **EARL of DEVON.**—I beg leave to present a petition from bankers, merchants, and others, of Devonport. The petitioners object to some part of the proposed Bill for the abolition of imprisonment for debt, and pray for alterations in the measure.

LORD BROUGHAM.—It is very extraordinary that these and other petitioners on the same subject, say not a word about imprisonment for debt after judgment, when alone such imprisonment can be justified. They do not seem to care one farthing for that power; but they pray for the continuance of a right which they ought not to possess, namely, that of arresting the debtor on *mesne process.*

The petition was referred to the committee on the Bill.

EXCISE LAWS.

Lord Wharncliffe presented a petition praying for an alteration in the excise laws, from proprietors and occupiers of land in the county of Forfar.—Read, and ordered to lie on the Table.

SMALL TENEMENTS.

Lord Wharncliffe presented a petition for alteration of the law relative to the rating of small tenements, from the guardians of the poor of the union of Lutton.—Read, and ordered to lie on the Table.

APOTHECARIES ACT.

Lord Wharncliffe presented a petition for alteration of this Act, from the legally authorised practitioners of medicine residing in the borough of Wakefield.—Read, and ordered to lie on the Table.

VOTE BY BALLOT, AND ANNUAL PARLIAMENTS.

Lord Brougham presented petitions in favour of vote by ballot and annual Parliaments, and for the extension of the suffrage, from the Dumbarton Reform Association, and from inhabitants of Perth.—Read, and ordered to lie on the Table.

LOWER CANADA.

LORD BROUGHAM.—I hold in my hand a petition, signed by hundreds, I may say thousands, of the inhabitants of Westminster. It states that the petitioners have seen with grief the deplorable calamities which have been inflicted on the Canadian population by the conduct of the British Ministry. They remonstrate against the passing of the unjust and unconstitutional Act to destroy the constitution of the colony; and they deny that the connection between the Canadas and the mother country is useful to either. They insist that it serves merely as an excuse for most injurious restrictions on the trade of both. The petitioners conclude by praying that your Lordships will take into your most serious consideration the suggestions they offer.

The Noble and Learned Lord then presented petitions to the same effect, from the inhabitants of Westminster (thirteen petitions); Lambeth (nine petitions); Finsbury (six petitions); Poplar; St. Clement Danes, Westminster; Chelsea; Paddington (two petitions); Walworth; Bethnal Green (two petitions); St. Luke, Chelsea; Whitechapel; St. John Street, Clerkenwell; and London.—Read, and ordered to lie on the Table.

On LORD BROUGHAM presenting a petition on the same subject from inhabitants of Lambeth,—

The EARL of SHAFTESBURY said:—I beg to call the attention of the Noble and Learned Lord, and also of the House, to the fact, that the petitioners have omitted to begin their prayer by the use of the word "humbly," which is not in accordance with the forms which the House has prescribed for the forms of petitions.

LORD BROUGHAM.—There is no want of respect for the House in the terms used. The petitioners have styled your Lordships not only Honourable, but actually call you "Right Honourable," thereby describing your Lordships as being almost above all other persons. They then say, that they "pray"—they pray of your "Right Honourable Lordships," nearly importing that they consider they are addressing beings above human—and yet that seems not to satisfy your Lordships!

The EARL of HADDINGTON.—I consider the question to be, whether the House think it necessary or not to adhere to its forms?

LORD BROUGHAM.—Pooh! There is nothing disrespectful in the terms of the petition. There is a word omitted from ignorance, I have no doubt,—but what of that? We are all ignorant, ourselves, of many of the forms of the House, and I seldom see a night pass without seeing one of us break through some of them.

The EARL of DEVON.—I consider, notwithstanding the happy art the Noble and Learned Lord has of turning circumstances that may lead to important consequences playfully off for the moment, that this is a matter which ought not to be overlooked. The fact is, that in several petitions which have now been presented to the House, the address has been written by the same hand, and they have afterwards been sent round for signatures. Those petitions have all omitted the insertion of that word which the rules of the House prescribe, and unless your Lordships mean to form a precedent now, they ought not to be read.

LORD BROUGHAM.—It may be all very well to abide by the forms of the House until they are changed. I will put an end to this controversy by withdrawing the petition, on the ground of irregularity, as it has not the word *humbly* in it; and as this is the one upon which the conversation has arisen, your Lordships need not know whether the omission occurred also in the former petitions or not, thus avoiding the precedent.

The petition was then (by leave of the House) withdrawn.

On presenting the petition from Chelsea,—

LORD BROUGHAM said:—This petition alludes to the attempt made by her Majesty's Ministers to seize on the supplies of Canada, without the consent of the House of Assembly, which is considered in the light of a treasonable act. The petitioners are not lawyers, and I presume that they use the term treasonable as it is used in common parlance, as against the liberties of the people. Although, however, they are not lawyers, they are not the less honourable and excellent men. They pray for an impeachment against Ministers for their conduct with respect to Canada, and I hope that no objection will be made against the petition on this account, as I recollect on a former occasion having heard one of your Lordships make the same proposition.

SLAVERY.

LORD BROUGHAM presented petitions for the emancipation of negro apprentices, from protestant dissenters of Spring Garden Lane Chapel, meeting in Sunderland; East Street, South Shields; and Livery Street, Birmingham; and from inhabitants of Morland; Dearham; Culmstock; Dent; Andover; Darlington; and Cawood. — Read, and ordered to lie on the Table.

SCOTCH CHURCH.

LORD BROUGHAM presented a petition against any further grant of money for providing additional accommodation, from the chairman, secretary, and members of the Scottish Central Board for vindicating the Rights of Dissenters, and of others. — Read, and ordered to lie on the Table.

IMPRISONMENT FOR DEBT BILL.

LORD BROUGHAM presented a petition in favour of this Bill, from prisoners confined in the Sheriff's gaol for London and Middlesex. — Read, and referred to the Select Commitee on the Bill.

VOTE BY BALLOT.

LORD BROUGHAM presented petitions in favour of vote by ballot, from burgesses and inhabitants of the royal burgh of Wigtown, and from inhabitants of Tiverton. — Read, and ordered to lie on the Table.

POSTAGE.

LORD BROUGHAM presented a petition for the reduction of the rate of postage, from the clergy, professional men, gentry, merchants, and others of Bedford. — Read, and ordered to lie on the Table.

PAPERS.

Account of the amount of the sums and securities standing on the 1st day of January, 1838, at the Bank of England, in the name of the Accountant in Bankruptcy, specifying the different heads under which the same stand, and the annual income derivable from the fund entitled, "The Bankruptcy Fund Account." Also,

Account of the amount of the annual salaries payable to the judges, commissioners, and other officers of the Court of Bankruptcy. And also,

Account showing the expense of the Court of Bankruptcy, as compared with that of the former commissioners, and of savings made in any other respect.

Delivered (pursuant to Order of the 19th December last), and to be printed.

Adjourned.

HOUSE OF COMMONS.

PRIVATE BUSINESS.

Rugby and Hilmorton Road; Dundalk and Dunleer Road; Higham Ferrers (Northampton) Inclosure; Brisley (Norfolk) Inclosure. — Petitions for Bills severally referred to the Select Committee on Petitions for Private Bills.

The petitions for Bills in the following course were severally reported, and Bills ordered to be brought in as follows; namely: —

Quedgeley (Gloucester) Inclosure,—By Mr. Phillpotts and Mr. Henry Thomas Hope.

London and Greenwich Railway, — By Mr. Wolverley Attwood and Mr. Barnard.

St. Luke's Hospital, — By Mr. Shaw Lefevre and Mr. Robert Gordon.

Sutton (Cambridge) Inclosure, — By Mr. Yorke and Mr. Towneley.

Notting Hill Footway, — By Mr. Holmes and Sir Thomas Fremantle.

Manchester, Bolton, and Bury Canal and Railway, — By Mr. Wilson Patten and Lord Viscount Sandon.

Tenby Improvement; Tenby Small Debts, — Severally by Sir John Owen and Mr. Owen.

Wibsey and Huddersfield Road, — By Lord Viscount Morpeth and Sir George Strickland.

Newcastle-upon-Tyne and Carlisle Railway, — By Mr. Ord and Mr. Philip Howard.

Gravesend Pier, — By Sir Matthew Wood and Sir William Geary.

Torquay Roads. — Petition of Samuel Dendy, complaining of non-compliance with the Standing Orders. — Referred to the Select Committee on Petitions for Private Bills.

PUBLIC BUSINESS.

ROXBURGH COUNTY, IPSWICH BOROUGH, AND SALFORD BOROUGH ELECTIONS.

House counted; 361 Members present; parties called in. Petition of the Honourable Francis Scott, complaining of the Roxburgh county election, considered. Names of Members drawn, and the number of thirty-three names being complete, the list was delivered to the parties, who then withdrew.

Petition of John Cobbold and others, electors, and James Turner and others, electors, complaining of the Ipswich election, considered. Names of Members drawn out of the same glasses, and the list of thirty-three names being complete, the list was delivered to the parties, who then withdrew.

Petition of William Garnett, Esquire, and others, electors, complaining of the Salford election, considered. Names of Members drawn out of the same glasses, and the list of thirty-three names being complete, the list was delivered to the parties, who then withdrew.

MISCELLANEOUS PETITIONS.

The following petitions were severally presented; namely: —

Rating of Tenements Bill, — By Mr. J. J. Blackburne and another Honourable Member,—from Wigan, and Bristol.

Negro Apprenticeship. — Mr. Scholefield and another Honourable Member presented petitions for abolition of the system, — from Portarlington; Birmingham; and King's Lynn.

Ballot, &c. — Major Macnamara presented petitions in favour of, — from King's Lynn and Feakle.

Universal Suffrage. — Petition from John Sandy, in favour of.

Tithes (Ireland).—Petition from Feakle, for abolition of.

Municipal Corporations (Ireland). — Petition from Feakle, for reform of.

Sewers. — An Honourable Member presented petitions for alteration of the law, — from Ludboreugh and Louth Eske Hundreds, Lincoln (owners and occupiers of lands); and Ludborough and Louth Eske Hundred (commissioners of sewers).

The above petitions were severally ordered to lie on the Table.

Rating of Tenements Bill. — An Honourable Member presented petitions in favour, — from Wokingham; Halsted union (guardians of the poor); Brentford union (guardians of the poor); and Frederick Calvert, chairman of the board of guardians of the Cosford union. — Referred to the Select Committee on Poor Law Amendment Act.

Highway Rates Bill. — Mr. Parrott presented petitions against,—from Christow, Hemmock, and Bridford; and Paignton. — Referred to the Select Committee on the Bill.

ELECTION COMMITTEES.

Roxburgh County Election. — Parties being returned to the bar, the reduced list was delivered in, and the same was called over, as follows: — Mr. Benjamin Hall, Mr. James Duff, Lord William Bentinck, Mr. Charles Arthur Walker, Mr. William Marshall, Sir Thomas Style, Mr. Packe, Mr. Bagge, Mr. Strutt, Sir Charles Broke Vere, Mr. Archibald Murray. — Committee sworn.

Ipswich Election. — Parties being returned to the bar, the reduced list was delivered in, and the same was called over, as follows: — Mr. Montagu Parker, Mr. Bramston, Mr. Thomas Winnington, Mr. John Craven Westenra, Mr. Jenkins, Mr. William Evans, Sir Robert Heron, Mr. Hale, Mr. Broadley, Mr. Dawson Damer, Mr. Archbold. — Committee sworn.

Salford Election. — Parties being returned to the bar, the reduced list was delivered in, and the same was called over, as follows: — Mr. Salwey, Mr. Nicholas Fitzsimon, Mr. John Ralph Ormsby Gore, Lord Viscount Maidstone, Mr. Alexander Ellice, Mr. John Heathcoat, Earl of Euston, Mr. Thomas Bewes, Lord Charles Somerset Manners, Mr. Macnamara, Mr. O'Neil. — Committee sworn.

USAGE OF PARLIAMENT.

Mr. WYNN. — I feel it my duty to call the attention of the House to the fact, that the Act of Parliament requires that the reduced list of any election committee shall not be presented to the House until half an hour after the termination of the ballot. Now half an hour has not elapsed; therefore, the counsel ought to be admonished that they are not in this case complying with the terms of the Act.

BANKING COPARTNERSHIPS.

The CHANCELLOR of the EXCHEQUER. — Sir, in pursuance of the notice which I gave on a former evening, I rise to move for leave to bring in a Bill to amend the law with respect to clerical members of joint stock companies. The House is fully prepared for the motion I am about to make, and it will not, therefore, be required of me to enter upon any lengthened explanation upon the subject. The Bill I am about to ask leave to introduce is rendered necessary by a recent decision by the Court of Exchequer, to the effect that it is unlawful for a clergyman in orders to be a member of any joint stock banking company. The House is aware that, by an Act of Henry VIII., spiritual persons were not permitted in certain cases to join in trade or business; and that that statute expressly prohibited particular modes of trading. In the year 1817, a Bill was introduced into the other House of Parliament, which purported to amend the former law, and which, instead of confining the prohibition to certain cases, provided generally that no spiritual person should join in any trade for profit or gain, and then it continued the provisions of the Act of Henry VIII. In the original statute, as in the existing one, it is provided that a penalty shall be recoverable from persons offending; but in the present statute especially, there is a provision by which not only is that penalty imposed, but it is enacted that the acts of any company with which such spiritual persons are so connected are null and void. This is the present state of the law, and the result is, that if any clergyman becomes a proprietor of stock in any of those companies, not being charter companies, but being joint stock partnerships, such companies are incapacitated from recovering any just or lawful debt; and it may be pleaded, in bar to any attempt made to recover a debt from persons who have been engaged in business with them, that there is a clergyman a member of the company, that he is engaged in trading, contrary to the intent and meaning of the 57th Geo. III., and, consequently, they are not competent to recover a just debt. I believe that this construction has been put upon the Act quite unexpectedly. No person ever supposed that the prohibition justly imposed upon clergymen trading for the purpose of profit, was to be a prohibition against their investing money in any species of stock,— in that of joint stock companies, like any other stock.

I have said, that the Bill I am about to ask leave to introduce is founded on proceedings that have lately taken place in the Court of Exchequer. In the case to which I allude, the Northern and Central Bank having taken proceedings to recover payment of a Bill of exchange from a person of the name of Franklin;—Mr. Franklin pleaded, that there were two clergymen belonging to the bank, and, consequently, that the bank was not entitled to recover; and the Court of Exchequer held that that plea was good. I trust the House will see that it is absolutely necessary that the law should be altered. The construction put upon the existing Act is, in point of fact, a surprise on the whole world; and, in my opinion, it renders the Bill which it is my intention to propose indispensable. The consequence of the decision of the Court of Exchequer would be, not only that penalty and loss would be inflicted on the clergyman who might be a member of a joint stock company, but penalty and loss would be inflicted on every individual who might belong to such company. If, therefore, the case is important on the first hypothesis, it becomes doubly important on the second. It is not only on behalf of joint stock banks that I ask leave to bring in this Bill, but on behalf of all joint stock partnerships; such as insurance companies, dock companies, canal companies, railway companies, &c., which would come within the reach of the decision of the learned judges of the Court of Exchequer. Were such a Bill not to be introduced, parties might be ruined, and lose property to an extent scarcely calculable. To give the House some idea of what might be the result, if the present state of the law were to be allowed to continue, I may state that there are no fewer than 108 joint stock banks in operation, carrying on business through 474 branches, having a capital consisting of 2,776,000 shares, and a nominal capital of 66,000,000*l*. If the decision of the Court of Exchequer were to be allowed to remain untouched, the invalidation of one single share of 5*l*. might proceed to an invalidation of them to a most serious extent.

Having thus stated the nature of the evil which I am desirous to remove, I will now proceed to state the nature of the remedy which it is my intention to propose. That remedy, if it is to be operative at all, must be retrospective. If it be only prospective, it will not prevent the confusion and evil which must arise from proceedings already adopted. The object is to carry into effect the contract according to the understanding of the parties at the time it was entered into. The Bill will provide that whether an individual be a clergyman at the time of becoming a member of a joint stock company, or shall afterwards become so, it will be a matter of indifference. Unless, therefore, I give the Bill a retrospective operation, a premium will be held out to parties to take advantage of a circumstance, of which they were not aware at the time when they entered into the contract, to free themselves from all obligation. In bills of an analogous character, that have been introduced with a retrospective operation,—it has been usual to introduce a saving clause with respect to existing suits; but I do not intend to introduce such a clause into this Bill, as it will enable parties to defeat a contract by pleading a fact of which they were ignorant at the time the contract was entered into. I propose to give validity to all contracts respecting joint stock companies, notwithstanding the fact of a clergyman being a member of them. But, at the same time, I mean to introduce a clause enabling courts of justice to award costs to parties who have instituted proceedings on the faith of the existing law. These are the main provisions of the Bill for which I am about to move. Although the Bill is to have a retrospective operation, I do not mean that it should be perpetual. All that I intend to propose is, that it shall last until the end of the next Session of Parliament. For that proposition there is a precedent. The same course was adopted with reference to a Bill of an analogous character introduced in 1823. A Bill was then brought into the House to prevent actions being brought against clergymen for non-residence, and the operation of this Bill is limited to a certain period. For the same reason I propose that the Bill for which I am about to move shall not be perpetual, although it will at the same time give a remedy retrospective in its operation, only saving to the parties who may have brought actions the right of receiving costs, at the discretion of the court. Having endeavoured to explain the objects which I have in view, I will now move for leave to bring in a Bill to make good certain contracts which have been or which may be entered into by certain banking and trading copartnerships.

Upon the question being proposed, —

Mr. WARBURTON said: — I beg to ask the Right Honourable Gentleman, whether it is his intention to introduce any clause to prevent clergymen from holding office as managers or directors of the companies in question?

The CHANCELLOR of the EXCHEQUER. — There is no prohibitory clause in the Bill at all. Its object is merely to give validity to certain contracts which have been made in ignorance of the law. If the House should deem it expedient to introduce such a provision as that adverted to by the Honourable Member for Bridport, I shall be ready to discuss the question; but the present is not the proper time. The subject will be more properly introduced when the Church Bill, now on the table of the House, shall come under consideration. That Bill contains certain clauses prohibiting clergymen from entering into trade; and, if it should be considered expedient, a clause may be introduced to prevent them from becoming directors and managers of joint stock companies. My Honourable Friend must be aware that, at the present moment, clergymen are not prohibited from being members of chartered companies. If my Honourable Friend will refer to the University Life Insurance Company, he will find that the Archbishop of Canterbury is at its head, that the vice-presidents are all bishops, and that many of the directors are clergymen of the Established Church. Whatever the policy of the proposition adverted to by my Honourable Friend may be, I can only repeat that the present is not the proper time for considering it.

Mr. THOMAS ATTWOOD. — I hope the Right Honourable the Chancellor of the Exchequer will reflect a little before he gives effect to such an *ex post facto* Bill as that which he has now proposed. Forty years ago all joint stock companies were deemed a nuisance by law, and the shares were not transferable. I trust the Right Honourable Gentleman will not persevere in his present proposition.

The motion was then agreed to, and the Bill ordered to be brought in by Mr. CHANCELLOR of the EXCHEQUER, Mr. ATTORNEY GENERAL, and Mr. SOLICITOR GENERAL.

The Bill was subsequently presented, and read a first time; ordered to be read a second time to-morrow, and to be printed.

SCHOOLS (SCOTLAND).

The CHANCELLOR of the EXCHEQUER. — The other Bill, of which I have given notice, is for the purpose of facilitating the endowment of additional schools in Scotland. The House will recollect that a vote was agreed to in the course of last Session, for affording assistance to the schools of certain districts in Scotland. By the 10th Geo. IV. certain parishes, by reason of their size, and the great distance of some parts of those parishes from the parish churches, were divided into two parts, and a second church was built. It was then stated, and I thought justly, that the same objection applied with respect to the parochial schools; and that nothing could be more beneficial than to establish a second school, in connection with the second church; and it was therefore proposed that there should be a sum granted to each of these parishes for that purpose. But it was subsequently represented to us, that it would be more convenient to the people of some of these parishes if, instead of appropriating this money for building the church, we permitted them to apply this money in building a school, and a house for the master, in each of those parishes, and to make use of the fund appropriated by the Government as a fund for endowing such schools. I saw no objection to this; the result was precisely the same; and it was a matter of great convenience to them that they should be permitted to provide the land, the school-house, and the master, and that the public fund should be appropriated for endowment. Now, Sir, I had no kind of objection to such an arrangement, but I found that it became necessary to alter the law, in order to enable the object to be carried into effect. And I therefore ask for leave to bring in the present Bill. It is only right that I should say, that

I have been in communication with the committee of the General Assembly. They have made a proposition to me, that those schools should not be in the nature of ordinary parochial schools, but that they should be under their direction. I intend to establish no new principle whatever; I mean that they should be established on the same principle as the ordinary parochial schools, and on these grounds I found my motion, which is for leave to bring in a Bill "to facilitate the foundation and endowment of additional schools in Scotland."

Mr. HUME. — No man who has read the Reports which have been lately laid upon the Table, with respect to this subject, can hesitate for a moment to say that it is absolutely necessary for the Government to take it in hand in order to extend the means of education in Scotland. It appears from the Reports, that in many parishes in England, there are more children enjoying education than in many parishes in Scotland,—a fact of which I was not at all aware, until lately. I had supposed, and I believe that that opinion was common to many, that Scotland was much better supplied with the means of education than this country; I find, however, that I was mistaken. But the question which arises is, whether the system proposed by the Right Honourable Gentleman is the best that could be adopted? The Right Honourable Gentleman has alluded to certain agreements which he has made with certain parties. Now, I would put it to him, whether it would not be better that those agreements should be laid before the House. I have seen many objections from Scotland, as to the arrangements made, and finding considerable fault with the conduct of the Treasury, in applying the money, voted by Parliament for the purpose of building school-houses, —to the support of schoolmasters; — certainly, an object very wide of that which was contemplated. Until we see the Bill, we cannot say whether or not it is proper to give a public grant for the purpose. I think, education ought not to be under the direction of any particular sect or class; and the great object of the petitions which I have seen from Scotland is, that the funds should not be placed in the hands of persons representing only a portion of the community. I very much question the propriety of granting more money until the whole case is before the House; and I must say that I am much disappointed, that the Government have not brought forward some plan of general education, not only with regard to Scotland, but to the whole kingdom. The public money ought not to be placed in the hands of a particular class in the country, but the system ought to be based upon a wider footing. I was considerably disappointed that the Government did not introduce some plan for promoting education in this country as well as in Scotland, and by which the money voted for that purpose should be applied, under responsible management. It is really lamentable to see the state of ignorance and destitution which exists in many of these parishes. In a petition which I had occasion to present, not long since, on this subject, there were forty-two marks out of 150 signatures. I find, also, by the Report, that in one of these parishes, containing a population of 1,095 souls, there are only 172 children between the ages of five and fifteen who could read, and ninety-six who could write, making a proportion of 1 in 12¼. I will not oppose any measure calculated to promote and extend education, but I do hope that some system will be adopted which shall be unfettered by any exclusive principle, and that before the House agrees to any further grant of money, it will be put in possession of the whole of the facts of the case, both as to the plans to be adopted, and the persons in whose hands the money is to be placed.

Mr. J. C. COLQUHOUN. — I beg to notice the inconsistency which prevails between the argument of the Honourable Member for Kilkenny and his conclusion. His argument is directly in favour of the introduction of the proposed Bill, while his conclusion is opposed to it. As far as he stated any facts, these facts prove most clearly, the case of the Chancellor of the Exchequer. It is only his theories which are opposed to the plan of the Government. The Honourable Member informs us that we are in a state of deplorable ignorance in Scotland, and he quoted facts to prove the grievous deficiency which prevails in education. These were precisely the facts which were brought before the Chancellor of the Exchequer, and upon which his present Bill is founded. The House voted, two years ago, a sum of 10,000*l*. for assistance to education in Scotland. The portion of Scotland which is peculiarly destitute of education is the Highlands, and to this, therefore, it is clear that a part of this money should be applied; but in the Highlands they do not seek money for the erection of school-houses — these they can raise for themselves. They seek money for the salaries of the schoolmasters, for these they cannot raise. On this ground it was that they applied to Government, and in order to obtain this object, Government have proposed the present Bill. The destitution of the Highlands as to education is, as the Honourable Member for Kilkenny correctly said, enormous. Of a population of half a million, there are above 80,000 who cannot read, and the enormous number of 250,000 who cannot write; and independent of adults, there are 28,000 children for whom no schools are provided. It may be asked by the House how such destitution can occur in Scotland, when the law provides a school for each parish? but the explanation is easy, if we consider the enormous extent of the parishes in the Highlands, a great number of which are sixty miles long, by twenty or thirty broad; and some of which are 100, 110, 200, 300, nay, even 380 square miles in size. The law requires a school in each of these parishes, that is, 221 schools for the 221 parishes, in the Highlands. What provision is that, where a child is to travel 100 or 200 miles in order to reach his school? It might be supposed that schools would be set up by schoolmasters on their own adventure, which would supply the deficiency. This, however, is impossible. If the House considers how scattered is the population in these mountainous districts, they will easily understand that which has been proved to be the fact, that the average number of children who can be drawn together to attend one school, is about fifty: all, therefore, that the schoolmaster can draw, charge as he will, will be insufficient for his sustenance; and, in fact, it appears that the average receipts upon which the voluntary schoolmasters are to support themselves are 13*l.* per annum, and these fall as low as 10*l.*, and 9*l.*, in Shetland, down to 3*l.* How is it possible that a schoolmaster can live upon such a provision? None can be found to teach but the most incompetent — decayed fishermen, old women, &c. If, then, the only provision of education for the Highlands is the schools established by law, and set up on adventure, the provision is most deplorable. Calculating the average numbers who can attend a school, there are required, for the population of the Highlands, 1450 schools. The law provides 221. The voluntary provision, deplorable in quality, is 350. The deficiency, therefore, is enormous. But here, the exertions of the church — disinterested, zealous exertions — and the liberality of the landed proprietors, have stepped in to the relief of the people. For what the law cannot compel, they have done by their own benevolence; and, including the ninety schools which have been established by the recent most honourable exertions of the Assembly's committee, they have set up and partially endowed 460 schools. So that the addition made by the liberality of the Highland landlords, and the zeal of the Church, are nearly equal to the joint supply of the voluntary schools and the legal schools. The exertions, however, of both these parties have been taxed to the uttermost; beyond this they cannot go. And having exhausted every effort of their own, they throw themselves, and the people of the Highlands, upon the benevolence of Parliament. Therefore it was they made their application to the Chancellor of the Exchequer; and in consequence of that application this Bill has been prepared: and I owe it to the Right Honourable Gentleman — it is only due to him — to state that the claims of the Highlands have been met by him with the utmost attention; and that the plan which he has proposed, and which, if I rightly undersand the Bill, is embodied in it, is characterised by equal simplicity and ingenuity. It proposes to meet that which is the great deficiency — securing salaries for the masters. For the fact is, that the Assembly's committee have no difficulty of procuring from the landlords the land and the buildings.

We have at this moment lying on our Table 170 applications, promising that they will erect the school-house, if the committee will only guarantee the salary of the master. For as to the provision for fees, this is a provision wholly inadequate, 5*l.* per annum being the average receipt of the schoolmasters for fees in the Assembly's schools. But it must not be supposed that the Bill of the Chancellor of the Exchequer by any means meets the case of the destitution of the Highlands. I trust it is only the commencement of a succession of measures designed to accomplish this. The fact is, that the Bill is confined to that small section of the Highlands on which the government churches have been located — a section comprising forty parishes out of 221; and a population of 45,000, out of half a million. This section was peculiarly destitute of education; for out of the 45,000 persons, 15,000 were unable to read, and 30,000 were unable to write, — a fact which explains and corroborates the statement made by the Honourable Member for Kilkenny, respecting a petition presented from the West Highlands. Leaving out of view altogether the adults, there are no less than 6000 children growing up on this locality without education; and if we leave the adults uneducated, we shall require 100 additional schools for the children alone; whereas the Chancellor of the Exchequer's Bill proposes to establish only 40. So that instead of meeting the destitution of the whole Highlands, it does not relieve one half of the destitution of this small section of the Highlands, which comprises only one tenth of the population. The Honourable Member for Kilkenny has been pleased to denounce the system of parochial education in Scotland as bigoted and sectarian, and he called upon the Government to delay applying a remedy to the ignorance in Scotland, until some magnificent theories of his own, on some new, undivulged, unpublished scheme of education, are given to the world.

I think the Chancellor of the Exchequer has acted most wisely in applying a remedy to the wants of the country by the use of the system of education which is established there; and whatever may be the views of the Honourable Member, I trust the House will not imagine that he expresses the sentiments of the people of Scotland. What he was pleased to denounce as bigoted, they hold to be practically useful; and what he condemns as sectarian, they cherish as associating the education of their children with the religion which they adopt and prefer. I will, however, quote to the Honourable Member a testimony which he will admit to be high, because it comes from a quarter which he cannot suspect — from one who holds those large and liberal views of education which the Honourable Member prefers;—I allude to the testimony of the Honourable Member for Waterford, who, in an essay in the first number of the publication of the Central Society for Education, while he denounces the system of education in England as vicious and wholly incurable, says, that the system pursued in Scotland requires only those practical amendments of which it is quite susceptible, and he applauds the spirit of the church in pushing education into all parts of the country, and their zeal in adopting practical improvement. This testimony may satisfy the Honourable Member for Kilkenny, that the parochial education of Scotland is not quite so barbarous as he supposes, and that, under the judicious superintendence of the Church, all those improvements may be introduced into it which are required. The Honourable Member for Waterford has spoken in terms not more eloquent than creditable to his feelings of the zeal of the Church of Scotland in planting schools in those destitute Highland districts to which this Bill applies. As far as I recollect his words, he said, speaking of the General Assembly's schools—"There is nothing more touching than the joyous tears of these Highland mothers, depicted with so much nature in the Reports of the Committee of the Assembly at the first exploits of their children in some lonely school of their mountain holds." The House will perhaps permit me to assure them, that if the earnestness of the people in quest of education deserves any sympathy, the House, in bestowing this boon of schools upon the Highlands, is about to confer one for which the people will feel deeply grateful. I might give, as proofs of their eager thirst for education, two facts which have been communicated to me by the venerable clergyman whose services were so instrumental in this cause, and which I cannot help hoping will interest the House. In one school of the Highlands my venerable friend has seen three generations of the same family — the grandfather, the father, and the child—all reading the Gaelic version of the Scriptures; and there is another instance yet more touching,—that of a veteran soldier, who had served in the Peninsular war, and who there lost an arm, who returned, late in life, with that longing desire which the Highlanders, like the Swiss, have, to spend their days among their native mountains, to one of the Highland glens, and there, on the morning of a winter's day, in the midst of a driving storm, he was seen fording the swollen torrent, which ran at the bottom of his glen,—his grandchild lifted up under one arm, and carrying under the mutilated stump of the other his Gaelic Bible, forcing his way, in spite of the hurricane and storm, to the Assembly's school, in which he was to learn, along with his grandchild, to read the Scriptures. These facts will prove to the House that it is not to a people undesirous of education, or undeserving of it, that this boon will be granted; and I can assure the Government, trusting as I do that this is but the precedent of future assistance to be granted to other parts of Scotland, that if this is the course they intend to pursue, all persons, without distinction of political party, and I will add, without distinction of sect (for I rejoice to believe that the people of Scotland, in spite of what the Honourable Member for Kilkenny has said, deeply feel the value of schools which teach their children the knowledge of the Bible, as well as of secular matters), will join in paying their unhesitating and grateful testimony to the Right Honourable Gentleman, and to her Majesty's Government, for the Bill which they propose to introduce.

Mr. WYSE.—The Honourable Member for Kilmarnock, who has just sat down, has referred to the speech of the Honourable Member for Kilkenny, and condemned it, in order to show that the Right Honourable the Chancellor of the Exchequer's measure was one of great benefit to the people of Scotland. Now, I think the speech of the Honourable Member for Kilmarnock went to show the want of an extensive and general system of education; for, after all that has been done, we find that the exertions of the people, combined with the feelings and assistance of the upper classes of society, have not enabled them to establish schools to supply the wants of the people. Therefore, all who have paid attention to this subject must come to the conclusion that the voluntary system is not sufficient to meet those wants, and must agree that the Honourable Member for Kilkenny is right in saying that a state interference is necessary,—not for a foundation only, but for a general system of education throughout the country. The Honourable Member for Kilmarnock has said, that in some observations of mine on a former occasion, I expressed my concurrence in the system of education now existing in Scotland. If the Honourable Gentleman had carried his observations a little further, he would have found that I stated that that system showed what might be done, but that it was far from being effectual. What the Honourable Member for Kilkenny has complained of is, not that it is not good, but that it is not good enough: not that it does not offer some good to the people of Scotland, but that it does not give all that the population of Scotland requires. All the Honourable Member for Kilkenny desires is, that if all this money is granted for building schools in Scotland, a sufficient guarantee should be given, that in the building of the schools a proper system of education should be carried on within their walls. That cannot be effected unless such a body is appointed as will be responsible to Government for the conduct of these schools. It is unworthy the intellect of this House to set here, night after night, voting away large sums, unless a proper and responsible guarantee is afforded them for their application. If not, we shall find that the system will result in large promise and miserably small performance.

Mr. W. CAMPBELL.—It is not my intention to trouble the House with many observations of mine, because I agree with much that has fallen from the Honourable Members who have already spoken. I feel most grateful to the Chancellor of the Exchequer for bringing this measure before the House. There are forty-one parishes in Scotland which have not the benefit of parochial schools. The Right Honourable Gentleman wishes to supply the deficiency, and he does so in the most beneficial manner. Persons in Scotland are ready to come forward and pay any sum for the purpose of building schools and school-houses; they are also willing to give lands for glebe houses; but the difficulty is, to find salaries for the schoolmasters. This, I believe, the Bill of the Chancellor of the Exchequer intends to do. The Church of Scotland is only superintendent of the schools to see that improper persons do not fill situations connected with them. The ministers of the Church of Scotland are superintendents of the masters; and, moreover, one of the greatest philanthropists since the days of Howard is expending his time, his money, and his labour, in promoting normal schools. I, as a Scottish Highlander, and a person having an estate in that part of the empire, feel grateful to the Chancellor of the Exchequer for the measure he has brought forward.

Mr. R. STEUART.—I have seen with great satisfaction the introduction of this measure by my Right Honourable Friend, for I was convinced, from the first, that it would lead to a general extension of the system of education in Scotland. The state of the schoolmasters in the Highlands is the same as it was 200 years ago. The schoolmaster then ranked next to the clergyman, and was supposed to be the next person to him, with respect to education, in the parish. But look at the difference of their incomes,—that of the clergyman is increased, while that of the schoolmaster remains exactly the same. The present Bill is, in my opinion, a step towards bettering the condition of that class of men. I think my Right Honourable Friend will secure to himself the gratitude of the country for his endeavours on behalf of education in Scotland.

Mr. WALLACE.—I am one of those who are favourable to the utmost stretch of education; but I cannot altogether approve of the outlines of the Bill which the Right Honourable Gentleman wishes to introduce. It would have been more agreeable to me, if it had been not only a measure to extend education in Scotland, but also to alter and improve the system of education in that country. I speak of the system of parochial education, which requires great improvement. The chief evil of the existing system is the appointment of schoolmasters for life. The former system was, to choose schoolmasters for a limited time, and it will be my endeavour to restore that system. There was a time when Scotland was justly noted for the excellence of its parochial system of education; but it now deserves a very different character. Schools that are not under the parochial system are a great deal better managed, then, at present. They have better teachers, and the scholars are much sooner brought to that degree of knowledge derivable from elementary education than can be acquired at the parochial schools; and I believe it will be found that the system upon which the masters are chosen, and under which the schools are managed and endowed, is the root of the evil of which I am speaking. My wish is, that a Bill should be introduced for the extension of education throughout Scotland, and I should be still more happy if it were a Bill for the general improvement of the minds of the people throughout the kingdom.

Mr. GILLON. — I do not think that the present system of the parochial schools in Scotland have been characterised in too strong terms by the Honourable Member for Greenock. It is of a most faulty nature; and, in many places, not only faulty, but disgraceful. Many of the schoolmasters are incompetent to perform the duties of the responsible situations which they fill. It is not so much the want of money or of an improved system that is felt, as the want of a better method of electing the masters. At present, men who are in every way qualified by their character, education, and religious principles, are rejected, unless they belong to the privileged sect of the Church of Scotland. I will not, on this occasion, trouble the House with any further observations, but, on the second reading, I shall have a few remarks to offer on the principle of the measure; at present, I shall content myself with protesting against an extension of the noxious principle of sectarianism, which I apprehend will result from it.

CAPTAIN GORDON. — I am grateful, myself, and I am sure the people of Scotland will feel grateful to the Right Honourable Gentleman for the measure which he has now proposed to the House, and particularly for the assurance that the public grants will be continued. With regard to the proposition made to alter the system of appointing schoolmasters for life, I trust that the Government will consider well before they introduce any alterations in the system which now prevails, and which, I believe, gives great gratification to the people of Scotland.

Mr. BORTHWICK. — I rise, Sir, to thank the Right Honourable the Chancellor of the Exchequer for bringing in this Bill. Some Honourable Gentlemen opposite have said, that the Church of Scotland is a sectarian church. I, Sir, cannot hear that Church so characterised without protesting against such language. Those Honourable Gentlemen are themselves sectarians in so describing the Church of Scotland. The Church of Scotland, like the Church of England, embraces the majority of the people within its pale, and is supported by the State; and if the State is to take the education of the people into its own hands, I know of no better security that education shall be properly conducted, than that the teacher should be a member of the Established Church. I believe that, in Scotland, the Dissenters do not complain of the parochial schools being attached to the Church; on the contrary, they are willing and glad to have their children educated in such schools. If there be any objection of this kind in England or in Ireland, I can assure the House that there is not in Scotland. I felt it my duty to make these remarks, because, last year, I myself moved for leave to bring in a Bill for establishing a system of education on the same principle, applicable to England as well as to Scotland, which motion did not receive the sanction of the House. I hope, however, that the Right Honourable Gentleman will, himself, take measures for applying the same principles to England which by this Bill he proposes to introduce in Scotland, and thus prevent me from troubling the House upon the subject.

The CHANCELLOR of the EXCHEQUER. — I wish to say a very few words in reply. I should be ungrateful if I did not acknowledge the kind encouragement I have received from Gentlemen on all sides of the House, in proceeding with this Bill. I believe that when the Bill shall be before the House, it will be found that the Honourable Member for Kilkenny's observations are wholly inapplicable to it in point of theory. In fact, this Bill only applies the same principle to certain parishes in the Highlands of Scotland, which already exists in the other parts of that country. We establish no new principle whatever, but are proceeding entirely upon the parochial system of Scotland. I was sorry to hear Honourable Gentlemen connected with Scotland describe that which I consider to be the greatest boast of the country, not as a national but as a sectarian church, and state that the system of education is also sectarian. I consider it to be national in its widest sense. Upon the best information I can obtain, I believe that the Scotch system, good as it is, is capable of further improvement; and I agree in opinion with those who think that the first step ought to be the institution of normal schools for adequately qualifying the schoolmasters. But when it is complained of that the inefficiency of the parochial schools at present is owing to the inadequacy of the masters, I must ask, with whom does the fault rest? Are not the masters appointed in the most popular manner by the inhabitants themselves? I admit that it may be proper to have visitors to examine into the state of these schools from time to time, and that other improvements might be introduced. But all these things require consideration. These may follow without in any way interfering with the existing system of education. But, if I am to be told that I should suspend any improvement in education, either in England, in Ireland, or in Scotland, until all parties should agree to some national system, I feel that I should postpone it for an indefinite period; and however anxious I might be for the success of such a system, I should know that it is encompassed with so many difficulties and dangers, that I am not disposed to postpone any particular question upon education, until that which I admit to be a most desirable object could be brought about. I am willing to take into consideration any propositions that may be made for a general system of education; but I will not interrupt—and I hope Honourable Members will not interrupt—the extension of that which already exists, and from which Scotland has enjoyed the greatest advatages. Well, I may be told, that parochial are not so good as private schools. I will not say that they are; but I will say, that but for the parochial schools, you would not have the advantages that you now enjoy. It is thus by competition that we obtain the advantage.

Mr. PRINGLE.—I will make an observation in answer to one remark which has fallen from the Right Honourable Gentleman the Chancellor of the Exchequer. He is not, perhaps, aware that there already exists a system of visitation in Scotland, by which the schools are examined every year.

The question was then put, and agreed to; and the Bill ordered to be brought in by the Chancellor of the Exchequer, the Lord Advocate, and Mr. Robert Steuart.

DESERTION IN CANADA.

CAPTAIN BOLDERO.—I am sorry to understand that it is proposed to oppose the motion I am about to make; but I shall, nevertheless, proceed with it. In the first place, I wish to call the attention of the House, and of the Noble Lord the Secretary at War, to a subject which has made a considerable impression on the public mind—I mean the desertion of numbers of her Majesty's troops who are stationed in the Canadas. The inducements that offer themselves to the soldiers to desert, such as the cheapness of land and the price of labour, are certainly very great. I think that another system of discipline ought to be followed up Discipline is at present too much kept up by coercion. But if a little more kindness were shown, I am convinced that desertion would be lessened. At present, what inducement has the soldier to behave well? He receives 6*d*. a-day, and his period of service is twenty-five or thirty years. The temptation to desert in the Canadas is, therefore, very great; but we may check it by a more extended system of rewards during the period of service, and at the expiration of it, by giving the soldier a greater bounty than he now obtains. As one mode of effecting the alteration which I propose, a change in the present system of reliefs in our colonies would be desirable. Desertion takes place in all our colonies, and the question is, how are we to check it. According to the present system of reliefs, a regiment has ten years of foreign service before it comes home; that is the average. At the expiration of two or three years after its return from abroad, having in the mean time recruited its ranks with young men, those men are sent out direct to North America, where there is not a sufficient inducement to young men—often of bad character—to remain in the service; and accordingly they desert. Now, instead of this plan, I would recommend the system of sending this young regiment to the

Mediterranean for three years, then say to Corfu for three years, and again to Gibraltar for three years more. The time of their transit to North America might occupy another year, so that by the time they arrive there the public will have had ten years service out of these young men. Desertion then would not be so great an injury as if it had taken place previously. At present, however, as as we are sending out more troops, some immediate inducement will be required in order to check desertion among them, and this may be done at a very trifling expense. An active war is going on, which, however, I hope is nearly concluded, and I would suggest that upon sending out more men the Government should offer them, as an inducement to remain in the service, at the expiration of the war, either a grant of land to those who are disposed to take it, or a premium, which shall be a little more than the expense of bringing them home again. The expense of conveying the troops home would be about *5l.* per man, and the expense of keeping them before they could be disbanded would be about *5l.* more. I would recommend, therefore, that a premium of 50 dollars shall be offered to each man, or ten acres of ground, at his option. We know very well that the land in Canada is better than in the United States; we know that the price of it is lower, from *7s.* to *10s.* per acre, and that taxes are lighter. Besides interposing a check to desertion at this juncture, we should gain another point by settling our soldiers there. They would form a little balance to the French Canadians, and it must be admitted that 200 soldiers settling there, every year, are very likely to check materially the influence of the French party in the colony. These are objects which may be accomplished at a small expense. It should be recollected that we must keep 5000 men, at least, in that colony; and I think that some measure of this kind should be offered to those men, as a premium, in order to check desertion. It has often been a matter of astonishment to me that the Noble Lord at the head of the War Department has not given his attention to this subject. At this moment there are many regiments recruiting, and as the vacancies in the ranks are principally filled up from the sister kingdom, many young men may enlist who are anxious to emigrate and join their fathers and brothers who have settled in Canada; and it is certain that very many young men have enlisted, I do not say for the express purpose of desertion, but under circumstances that are open to suspicion. Some such plan, then, as I have suggested is, in my opinion, necessary to retain them in the service. A change in the system of relief cannot be brought to operate in this case of emergency. Under these circumstances, therefore, I do hope that the Noble Lord the Secretary at War will take this subject into his consideration, and, if possible, devise some means to check the system of desertion which at present prevails; and I shall conclude by moving, "Tha there be laid before this House a return of the number of deserters from her Majesty's troop, stationed in the Canadas, between the years 1830 and 1837."

Upon the question being proposed,—

LORD VISCOUNT HOWICK said:—I do not think it right to comply with the motion of the Honourable and Gallant Member, and for this simple reason,—that I do not see in what manner the production of those returns could contribute to enable the Honourable and Gallant Member to propose, or the House to determine upon, any plan for permanently checking desertion from the army in Canada. No knowledge of the precise extent to which that desertion has gone can possibly afford the means of forming a judgment as to the proper method of prevention; while, on the other hand, considerable inconvenience would undoubtedly result from bringing forward details of that kind publicly before the House and country. I therefore trust the House will concur with me, in refusing the call made by the Honourable and Gallant Member. At the same time, I beg to assure the Honourable and Gallant Member that this subject has not escaped the notice either of myself, or of those who have preceded me in the War Office. A very long correspondence has taken place between the War Office and the military authorities, both in this country and in Canada, with a view of discovering the best means of checking the crime of desertion, which certainly has prevailed to a considerable extent in the North American colonies. I am, however, happy to inform the Honourable and Gallant Gentleman, and the House,—and, considering the sources from which I derive my intelligence, I can speak with some confidence on the subject,—that, since the commencement of the late unhappy disturbances, and from the time when the troops knew that their services were really wanted, not one single case of desertion has actually taken place. As I have already stated, various measures have been proposed, and various plans are at this moment in operation, with a view, if possible, to check the crime of desertion. With respect to altering the system of reliefs in our colonies, it is now upwards of eighteen months, in fact nearly two years, since I had the satisfaction, on bringing forward the Army Estimates, of stating in this House that it had been determined by the Government to effect an alteration in that system; and I can assure the Honourable and Gallant Member, that the mode suggested by him has long been acted upon. With respect to the latter point of the Honourable and Gallant Member's speech, I beg to say, that the subject will not be neglected by the Government, or the authorities at the Horse Guards.

CAPTAIN WOOD.—I am rather surprised that the Noble Lord should refuse the Returns asked for, since he has not stated to the House any specific inconvenience that can arise from affording the information required. If there are inconveniences of a military nature, I would be the last man who would press for the production of those papers. I am not only anxious to ascertain the number of deserters from the troops in Canada, but I also wish to learn the dates of the enlistment of those who have deserted. Such a return might show whether these desertions have been prevalent among the young soldiers, or among those who have served their country for any length of time; and demonstrates that the retiring allowance of sixpence per day, to men who have served for a series of years in every quarter of the globe, is an inadequate remuneration, and insufficient to induce men to adhere to the service, as it affords them no prospect, in their old age, of being able to maintain themselves out of the workhouse. Without committing myself to the views of the Honourable and Gallant Member for Chippenham (Captain Boldero), as to the system of locating our soldiers in American colonies, I was desirous of making these observations on the general question.

Mr. LEADER.—I hope the Honourable and Gallant Officer will persevere with his motion. It seems to me most strange that the Noble Lord should refuse this Return. This refusal may have the effect of inducing the public to suspect that desertion from the army in Canada is more prevalent than it actually is. The Noble Lord perhaps imagines, that a statement of the number of desertions might act as a sort of bad example to the troops now going out to Canada. But surely it would be much better to let the fact be known, than to leave the country to exaggerate the estimate of the number of desertions. I am rather surprised that the Noble Lord did not make some remark upon one observation which fell from the Honourable and Gallant Officer opposite, who said that many young soldiers from Ireland were volunteering for the Canadian service; and that the circumstance afforded ground of suspicion that numbers of those young men were enlisting for the very purpose of deserting when they arrive in Canada, in order to join their friends who may be settled there. Now, I remember, a short time ago, when I happened to say in this House that there were very great inducements to the English soldiers to desert from the troops in America (and in that view of the subject I have now been sustained by the Honourable and Gallant Officer), a Noble Lord, not now in his place, immediately taunted me with having held out to the troops an inducement to desert. It seems, therefore, that one man may say a thing safely, which another must not even hint at. Nay, I have even been charged with treasonable motives, because I held forth the very language which the Honourable and Gallant Officer has himself to-night made use of, without any reproof whatever. I am delighted that the Gallant Officer has made that statement. It corroborates what I before asserted, that the soldiers are ill-treated and ill-rewarded; and that when they go to America, every inducement is held out to them to desert. After what has fallen from the Gallant Officer, I hope I shall not hear anything more about my treasonable intentions, for having said precisely the same thing. I do hope the Noble Lord will reconsider this matter, and grant the information sought, upon which, when obtained, the Honourable and Gallant Member may found a motion for the improvement of the present system.

Mr. HUME.—I regret very much to understand that the Honourable and Gallant Member does not intend to press his motion. The remarks which have fallen from the Honourable and Gallant Gentlemen are well deserving the most serious consideration of the House and of the Government; and it might happen that, having the information sought by these Returns, not merely with respect to Canada, but to all other of our colonies in which the British army are serving, we might adopt some improved regulation which would make it more worthy the soldiers' while to remain in the British service; and by which the great expense which is now experienced by the country, in consequence of the extent to which the army requires to be recruited, owing to the desertions that take place in our colonies, might be avoided. The Noble Lord has not stated any practical inconvenience which would arise from the production of the Returns; and I submit that the Noble Lord ought, both on his own account and for the good of the service, to be prepared to lay the information before the House.

Mr. SHAW. — However desirable the production of these Returns might be at any other time, it does appear to me that, at the present moment, considering the disturbed state of the provinces of Canada, and connected as those Returns must necessarily be with those disturbances, considerable inconvenience might result from granting them. I should agree with my Honourable and Gallant Friend at any other time, but I hope, on this occasion, he will not consider it his duty to press his motion.

Mr. P. BORTHWICK. — I agree with the Right Honourable and Learned Gentleman, that it would not be desirable to have such a Return made in the existing posture of affairs, and therefore join in entreating my Honourable and Gallant Friend not to press his motion to a division. If, however, the Honourable and Gallant Member should determine upon dividing the House, I will not say that I will vote against him. The Honourable Member for Westminster said, that when he, on a former evening, stated the same facts to the House as my Honourable and Gallant Friend has stated to-night, he was taunted with holding out inducements to the troops in Canada to desert the service of their country. There is no similarity between the statement made by the Honourable Member for Westminster, and that made to-night by my Honourable and Gallant Friend. I cannot forget that the statement of the Honourable Member for Westminster followed the invocation, by the Honourable Member for Leeds, of the curse of Heaven on the heads of the Ministry.

[Cries of "Order!"]

I am aware that I am out of order, in alluding to a past debate, but I am glad to find the motives of the Honourable Member opposite (Mr. Leader) were different from those which I at the time supposed them to be.

[Loud cries of "Order, order!"]

The SPEAKER. — I must beg leave to call the Honourable Member's attention to the fact, that it is not usual to go back to particular expressions and words used by any Honourable Member in a past debate. As a matter of convenience, it may be permitted to make a general allusion, but never to particular words.

Mr. BORTHWICK.—I am at all times ready to bow to the opinion of the Chair, and I beg to apologise for being out of order. I think my Honourable and Gallant Friend has done good service to the country by bringing forward this subject, and I hear with much satisfaction that it is under the consideration of the Noble Lord, and of the heads of the military department.

LORD VISCOUNT HOWICK.—I beg to be allowed to say one word in reply. I did not go, more particularly, into a statement of the reasons which induced me to oppose the present motion, because I understood, from the opening speech of the Honourable and Gallant Member, that he did not mean to press it to a division, and I thought I should be uselessly taking up the time of the House. But my reason is, that I cannot help fearing that, if the number of deserters in Canada were printed and circulated by the authority of the House, it might possibly have the effect of suggesting the crime to the soldiers in that colony. No benefit has been pointed out which would result from printing the Return; it is not such a Return as the Honourable Member for Middlesex desires, for it would simply state the number of desertions, and have no reference to the date of the first enlistment; and it would give the House no materials for the preparation of any measures which ought to be adopted to remedy the evil. Anticipating no good, therefore, from the production, and fearing that some inconvenience may by possibility arise from printing a Return of so unusual a kind, I thought it my duty, in accordance with the wishes of the military authorities, to oppose the motion of the Honourable and Gallant Member. The subject of the retiring pensions of the soldiers, is one of too large and important a nature to be incidentally discussed; but I have heard with great regret the statement made by a military man, that the retiring pensions are only sixpence a day. It is not true that, by the existing warrant, sixpence a day only is allowed, whatever may be the amount of services. Sixpence a day is the smallest sum which, under any circumstances, the common soldier can obtain, but a larger amount is allowed by the existing warrant for long and painful services; the sum is not fixed, but it varies according to the value of the services, and the period during which they have been given. When Honourable Members look carefully at the changes which have been introduced into the warrant by my Right Honourable Friend, now President of the India Board, and the alterations which have been since adopted on my own recommendation, I think that they will be found to have worked well for the public service, to have done good to the soldier, and to have prevented improper charges on the public funds. It has not increased desertion; for I find that the actual amount in Canada was greater in the year before the adoption of the amended warrant than it has been since: and, looking at the whole subject of desertions in the various periods of service, it is undoubtedly true that the soldiers desert most after short periods of service, when they have made small progress towards their claim for a pension; and certainly, also, the arithmetical result of the whole number of desertions shows that fewer have taken place among he soldiers who have enlisted after the adoption of the amended warrant, than of hose who entered the service at an earier date. I beg pardon of the House for having trespassed on their indulgence, but after what has been said by several Honourable Members, I thought it necessary to give this explanation.

CAPTAIN BOLDERO. — I assure the Noble Lord, that in moving for these Returns I had no intention of interfering in any way with the arrangements of the ervice; but that I considered, as we were bout to send a great many young soldiers ut to Canada, we ought to devise some means of checking a crime which, I reret to say, prevails to a considerable xtent. I am glad, however, to learn rom the Noble Lord, that it is his intenion, and that of the Noble Lord the Commander-in-Chief, to take the subject into their consideration, in order that some means may be adopted to remedy he evil, and to improve the condition of he soldier. I will not, therefore, press my motion to a division; and I do hope hat the debate of to-night will not be ost on the House, and that the few thouand pounds that will be necessary for the carrying into effect any plan that may add to the comforts of the British soldier will not be refused when the estimates are submitted. The more you increase the comforts of the soldier, the greater are the inducements you hold out to him to remain faithful, and I am confident that the trifling expenditure required in the first instance would be amply repaid. With reference to what has fallen from the Honourable Member for Westminster, I must say, that I hope no Honourable Member will suppose that I would be guilty of high treason, nor do I mean to make any reflection on the Honourable Member, when I say, that there is a marked distinction between the two expressions which have been made use of. I said that there existed great temptations in Canada to desert, and I stated in what those temptations consisted; but the expressions of the Honourable Member for Westminster went to induce the British troops to desert to the French Canadians, and to take arms with them against the Crown of England. After what has passed, I will, with the leave of the House, withdraw my motion.

The motion, by leave, withdrawn.

MEDICAL CHARITIES (IRELAND).

Mr. FRENCH. — In asking permission to introduce a Bill for the better regulation of the medical charities in Ireland, I shall not speak at any great length, as the principle of the measure I am about to introduce has already received the sanction of the House of Commons. The necessity for the introduction of a measure of this nature is universally admitted; nor can the policy of establishing over the medical charities of this country a strict and searching superintendence, by active, zealous, and capable inspectors, of professional character and standing, be for a moment doubted by any person who has read the very able Report on Medical Relief in Ireland, by Sir David Barry and Dr. Corrie, and those of the different assistant commissioners. The Bill I have proposed for this purpose has been for some days in the possession of my Noble Friend the Secretary for Ireland, who not only approves of its provisions, but expresses his anxiety that I should bring it forward, and assures me it shall have the support and countenance of the Government. Indeed, with two exceptions, it is nearly similar to that introduced, last Session, by the Noble Lord himself. The first material difference between the two measures is, that in the present Bill it is proposed to establish in Dublin an unpaid board of medical commissioners, to interpose between the public, the profession, and the inspectors. By the Bill of last year, the inspectors were to be made judges of their own acts, and even were to be ordered to report individually to themselves collectively. They were to have, also, powers conferred on them, and duties assigned to them, which I consider cannot, with justice to the profession, and safety to the institutions, be exercised without check or control. The second alteration I propose to make is, that the exclusive right to be appointed surgeons to the county infirmaries of Ireland, hitherto enjoyed by the members of the Royal College of Surgeons in Dublin, shall be no longer maintained, but be thrown open to the members of the other medical colleges in the United Kingdom, possessing equal qualifications. I have thus, and, I am happy to say, with the concurrence of the profession, attempted to remedy, or rather to get rid of altogether, the principle objections urged against the Bill of last year. All the changes I propose have been sanctioned by the heads of the medical profession in Ireland, by the surgeon general, the president of the College of Surgeons, Dr. Jacob, Surgeons Collis, Cusack, and others, whose names are well known in Ireland and out of it, to stand in the first rank of professional ability. I do not think the public can refuse their support to this Bill, as by it care has been taken that none but persons of education and experience should be placed at the head of the medical establishments of the country. I will, as soon as I conveniently can, after the printing of the Bill, with the permission of the House, get over the second reading, and after the Poor Law Bill is decided on by the House, I trust her Majesty's Ministers will take the charge of this measure on themselves; and, indeed, I have reason to suppose they will do so, as I am convinced it is a subject of too much importance to be in other hands than those of the Government of the country. I will no longer detain the House, but move for leave to bring in a Bill for the better regulation of hospitals, dispensaries, and other medical charities in Ireland.

Mr. SHAW. — It is not my intention to offer any objection to the first reading of the Bill, as it relates to an important subject, and my Honourable Friend (Mr. French) states it has received the sanction of the high medical and surgical authorities he has named. Certainly, the Bill of last Session, having nearly a similar object, caused considerable anxiety amongst the various branches of the profession, as well as the local medical institutions in Ireland. I do not go so far as to say that the medical charities of Ireland are not susceptible of some improvement; and I am willing to consider any plan for that purpose. But still, as they have been generally established at much local exertion and expense, and confer a great benefit upon the poorer classes in that country, I hope they will not be inconsiderately interfered with, nor the just interests of those officers who have attached themselves to such institutions, to the abandonment of other professional prospects, be overlooked. With regard to the proposition to dispense with the regular course of medical education in Ireland, I confess that my first impression is against it. The schools of medicine and surgery in Dublin deservedly hold the highest rank in the estimation of the public. It is upon the part of the poor upon whom they are to practise, rather than of the Colleges of Physicians and Surgeons, that I feel a jealousy of practitioners being admitted to the public medical institutions in Ireland, without that security. I mean no disparagement to the professions in England and Scotland, but it is not to be expected that the best of their members would go to Ireland to seek for practice.

The CHANCELLOR of the EXCHEQUER. — I rejoice at the introduction of this Bill. I trust that it will not interfere with private charity, but that it will have a directly contrary tendency. Its object is a more general and perfect superintendence over the hospitals, with the view of equalising the expenses and the benefits, and preventing what frequently now happens, that 200 or 300 per cent. more is paid to support some hospitals than to uphold others affording the same accommodation. I believe that the medical schools, and especially the surgical schools, in Dublin, can compete with any schools that I know of, and thus highly is its character considered abroad; and it is precisely because its character is good that I think it does not require to be protected by any exclusive restrictions; and I can see no reason why a person taking his degree here should be prevented from accepting employment, if qualified, in Dublin. I do not think these restrictions are proper or just to the other parts of Ireland; and what is the result? why that we find the regulations are constantly violated. The establishment to which I have alluded ought not to be kept up on a system of monopoly, but should be open to the same competition as similar institutions in other parts of the kingdom. I am glad that the Bill is in the hands of so able a Member, and I can assure him that the Members of the Government are disposed to render him every assistance.

Bill ordered to be brought in by Mr. French and Mr. Serjeant Ball. — Presented, and read a first time; to be read a second time on Wednesday, 14th of February, and to be printed.

COURT OF SESSION, &c. (SCOTLAND) BILL — SALARIES TO OFFICERS.

Resolutions reported, —

1. That the salaries which may be granted to the officers of the Court of Session and Court of Commissioners for Teinds in Scotland, in pursuance of any Act of this Session of Parliament shall be payable out of the Fee Fund of the said Court of Session; and any deficiency in the said fund shall be made good in manner directed by an Act of the fiftieth year of King George III.
2. That all compensations which may be granted in pursuance of the said Act of this Session of Parliament, shall be paid out of the moneys which, by several Acts of her late Majesty Queen Anne, were made chargeable with the expenses of the Court of Session in Scotland.
3. That superannuation allowances and salaries may be granted to sheriff-substitutes and sheriffs' clerks in Scotland, out of the funds from which the salaries of sheriffs and sheriff-substitutes are payable.

Resolutions agreed to.

Instruction to committee, that they have power to make provision therein, pursuant to the two first of the said resolutions.

That they have power to make provision therein, pursuant to the last of the said resolutions.

SCHOOLS (SCOTLAND) BILL,

" To facilitate the foundation and endowment of additional schools in Scotland." — Presented, and read a first time; to be read a second time on Friday, and to be printed.

PUBLIC PAPERS, RETURNS, &c.

Answer to Addresses, for papers (29th of January and 5th of February), reported.

New Zealand. — Copy presented, of a despatch from the Governor of New South Wales to Lord Glenelg, dated 9th of September, 1837, relative to the affairs of New Zealand (address 5th of February). — To lie on the Table.

Negro Education (Jamaica). — Copy presented, of Report from C. J. Latrobe, Esquire, on negro education in Jamaica, with correspondence relating thereto (address 5th of February). — To lie on the Table.

Public Monuments. — Return (presented 5th of February) to be printed.

Commercial Daily List. — Return (presented 5th of February) to be printed.

Bradford Poor Law Amendment Act. — Return (presented 5th of February) to be printed.

Public Buildings. — Paper (presented 5th of February) to be printed.

Factory Act. — Return (presented 5th of February) to be printed.

Court of Session (Scotland). — Return (presented 5th of February) to be printed.

Turnpike Roads, — Return (presented 5th of February) referred to the Select committee on the Highway Rates Bill.

BANKING AND TRADING CO-PARTNERSHIPS BILL,

" To make good certain contracts that have been or may be entered into by certain banking and trading co-partnerships." — Presented, and read a first time; to be read a second time to-morrow, and to be printed.

Adjourned at half after seven o'clock.

HOUSE OF COMMONS, Mercurii, 7° die Februarii, 1838.

PRIVATE BUSINESS.

Festiniog Railway.— Petition for Bill. — Referred to the Select Committee on Petitions for Private Bills.

The following petitions for Bills were severally reported, and Bills ordered to be brought in, as follows; viz.: —

Brandling Junction Railway,—By Mr. Ingham and Mr. Bell.

Walsall Market, — By Mr. Finch and Colonel Anson.

Towcester and Hardingston Road, — By Mr. Cartwright and Sir Charles Knightley.

Ogley Hay (Stafford) Inclosure Bill. — Reported; to be ingrossed.

Metropolis Cemetery.— Witcham (Cambridge) Inclosure. — Anti Dry Rot Company. — Petitions for Bills severally reported; Reports to lie on the Table.

Paignton Harbour Bill. — Petitions against, — from owners and occupiers of lands on Goodrington Sands, and George Drake, Esquire. — Referred to the Committee on the Bill.

Edinburgh and Glasgow Railway. — Petition of William Ellis, Esquire, complaining of non-compliance with the Standing Orders.— Referred to the Select Committee on Petitions for Private Bills.

Fishguard Harbour Act. — Petition of the master, wardens, and commonalty of Merchant Venturers of Bristol, for repeal of such part thereof as imposes a passing toll.

The following Bills were severally read a first time, and ordered to be read a second time; viz.: —

Gravesend Pier Bill, — " for preventing the partial collection of certain tolls and rates granted for the erection and support of Gravesend Pier and Quay."

Quedgley (Gloucester) Inclosure Bill, — " for inclosing lands in the parish of Quedgley, in the county of Gloucester."

London and Greenwich Railway Bill, —" for extending the time for completing the London and Greenwich Railway, and for amending the Act relating thereto."

PUBLIC BUSINESS.

PAPERS, &c.

East India Company. — Lists 82. and 83. presented, specifying the particulars of compensation proposed to be granted to certain reduced officers and servants of the Company (by Act).

Cinque Ports Pilotage.— Annual account presented of the receipts and appropriation of the surplus rates of pilotage (by Act).

To lie on the Table.

MISCELLANEOUS PETITIONS.

The following petitions were severally presented; viz.: —

Rating of Tenements Bill, — In favour of, — from Daventry; guardians of the poor of the union of Daventry; of the Billericay union; of the Swaffham union; of the Blofield union; and of the Bridgwater union. — Referred to the Select Committee on the Poor Law Amendment Act.

Against the same Bill,—By Mr. Thomas Attwood, Mr. Mark Philips, Mr. Serjeant Talfourd, Lord Francis Egerton, Mr. Sandford, Mr. Townley Parker, Mr. Scholefield, and other Honourable Members, — from the chairman and secretary of the council of the Birmingham Political Union; Bewdley, Manchester, Wokingham, Atherstone, Worcester, Newcastle-upon-Tyne, Birmingham, Kirkdale, Walton-on-the-Hill; president, vice-president, and secretary of the Manchester, Bury, and Ashton-under-Lyne District Building Association; Chorlton-upon-Medlock, &c.; Reading; Toxteth Park; and Preston.—Referred to the Select Committee on the Poor Law Amendment Act.

Marine Insurances, — By Mr. MARK PHILIPS,—of the president, vice-president, and directors of the Chamber of Commerce and Manufactures of Manchester, for repeal of duty on.

Wool, Olive Oil, &c.,—By Mr. WILSON PATTEN, and another HONOURABLE MEMBER, for repeal of duties, — from Rossendale and Haslingden; and the president of the Bristol Chamber of Commerce, Trade, and Manufactures.

Postage, — By Mr. BERKELEY, SIR WILLIAM SOMERVILLE, and CAPTAIN POLHILL, for a low and uniform rate of postage, — from Bristol (corporation), Drogheda, and Bedford.—Referred to the Select Committee on Postage.

Patterns and Inventions Bill, — By SIR MATTHEW WOOD and Mr. MACKINNON, in favour, — from London and Westminster.

Negro Apprenticeship, — For abolition of the system, by Mr. SANFORD, Mr. SERGEANT TALFOURD, Mr. PARROTT, Mr. O'CONNELL, Mr. HINDLEY, and Mr. AGLIONBY,—from Dearham, Great and Little Broughton, Crewkerne, Wellington; Livery Street, Birmingham; Loddiswell, and East Street, South Shields.

Post Horse Duties, &c.,—By Mr. HODGSON HINDE and LORD JAMES STUART, for repeal of, — from Newcastle-upon-Tyne, and Ayr.

Highway Rates Bill,—By Mr. PARROTT and LORD SEYMOUR, against,—from Berry Pomeroy, and Morley. — Referred to the Select Committee on the Bill.

Tithe Commutation Act, — By Mr. ORMSBY GORE, — of William Blount, for amendment. On presenting this petition the Honourable Member said: — Though this petition is signed by one individual, it deserves the especial attention of the House, as it emanates from an individual who is very deeply interested in this matter. The petitioner adverts particularly to the thirty-seventh section of the Act, by the construction of which it appears that, in case the commissioners do not compound according to the average of the preceding seven years, they are then called upon to allot an equivalent value — (a very doubtful principle to proceed upon); — and they are bound, also, by the first of May, to certify in what manner their discretion will be exercised, and to lay down such rules for the government of the assistant commissioners as may be expedient. The petitioner, after stating other facts, suggests, that the effect of this section of the Bill will be, to entail a great hardship upon those parishes where the poor rates have been high for the preceding seven years, and are] now reduced to a smaller sum. The prayer of the petition is, that the House will please to take the premises into consideration, and amend the Tithe Commutation Act. I shall consider it my duty to move that this petition be printed.

The SPEAKER. — The Honourable Member cannot do that, unless he gives a notice of motion on the subject to which the petition refers, for a day within the time prescribed by the rules of the House.

Mr. ORMSBY GORE. — I cannot do that, Sir, at the present moment.

Ballot, — In favour of, by Mr. LAW HODGES, Mr. O'CONNELL, Mr. HUME, Mr. AGLIONBY, and another HONOURABLE MEMBER,—from South Shields (chairman of a meeting), Gravesend, Cockermouth, Dumbarton (preses of the Reform Association), West Kent; St. Catherine, Dublin; and St. James, Dublin. On presenting the petition from West Kent, Mr. HODGES said: — This petition is signed by 1100 persons, whose residences are placed against their names; many of whom, I beg leave to observe, entertain very different political opinions from mine, and who were opposed to me at the late election. The petition from Gravesend is signed by the mayor, and 400 other persons.

Tithes (Ireland), — By Mr. SERJEANT JACKSON,—from clergy of the archdiocese of Tuam, and the united dioceses of Ardagh, Killalla, and Achonry, and Clonfert and Kilmacdough, against alterations of the existing laws.

Poor Relief (Ireland) Bill, — By Mr. O'CONNELL and COLONEL CONOLLY, against, — from Dublin City; St. James, Dublin, and Donegal.

Sheriff Courts (Scotland) Bill, — By LORD JAMES STUART, against,—from solicitors practising at Inverary, and Banff.

Church of Scotland,—By Mr. DENNISTOUN,—of members of the Gorbals Association for promoting Religious Liberty, against any further endowments.

Dublin Local Taxation, — By Mr.

O'Connell, from St. Paul, Dublin, —for a more equal and just distribution.

Tithes (Ireland),—By Mr. O'Connell, for abolition, — from St. James, Dublin; and St. Catherine, Dublin.

Municipal Corporations (Ireland) Bill, — By Mr. O'Connell, in favour, — from St. Ann, Dublin; St. James, Dublin; and St. Catherine, Dublin.

Innkeepers, — By Mr. Pendarves, — from innkeepers, &c. of the counties of Devon and Cornwall, for amendment of law relative to innkeepers.

Elective Franchise,—By Sir Charles Blunt, — from Lewes, for extension.

Glasgow Cotton Spinners, — By Mr. Wakley, for remission of sentence, — from Kingston-upon-Hull; chairman and secretary of the Bristol Tin Plate Workers' Society; preses and secretary of a meeting of the journeymen slaters of Edinburgh; chairman of a meeting of inhabitants of Cramond; chairman of a meeting of the operative cordwainers of Westminster; members of the committee of the Edinburgh Radical Association; and president, stewards, and secretary of the Cabinet Makers, &c. Institution, Shoreditch.

Army,—By Mr. Hume, from Belfast,— for investigating the practice of the army, whereby certain deductions are made from the pay of the soldiers.

Sodor and Man Bishoprick, — From Ripon, against suppression.

French Claims, — Of Thomas Wigan, — for liquidation.

To lie on the Table.

UPPER CANADA.

Mr. HUME. — I have to present the petition of the chairman and secretary of a meeting of owners of freehold estates in Upper Canada, praying for an inquiry into the circumstances under which the Royal assent was given by Sir Francis Head, the Governor of that province, to an Act of the provincial Parliament, to establish a court of chancery, without the Act having previously been laid before the Parliament of the United Kingdom, in conformity to the forty-second section of Act 31 Geo. III. c. 31. I beg leave to give notice, that I shall, to-morrow, call the attention of the House to this petition; and that I shall move for certain returns, with a view to show the extent of the abuse to which the petition refers. I may mention, that this petition is signed by two parties, the chairman and secretary who presided, on behalf of the meeting. I believe they are now rebels; but, at the time the petition was agreed to, they were quiet men.

SIR EDWARD KNATCHBULL.—I am not prepared to object to the reception of this petition; but when the Honourable Gentleman says that it emanates from those individuals whom he designates as rebels, it appears to me that the House should well consider the propriety of receiving a petition presented under such an announcement.

Mr. HUME. — I really have never yet, in the course of my parliamentary experience, heard such an absurd proposition started as that of the Right Honourable Baronet's. This petition was agreed to in the month of August last, and it represents the feelings of the county of York at that time. I ask, Sir, is this petition to be refused a reception because it is signed by one or two individuals who have been since accused of being rebels? The Right Honourable Baronet's objection would be a valid one, I admit, if this petition had been sent here after the parties had joined the revolt in Canada.

SIR EDWARD KNATCHBULL.—I think the Honourable Member for Kilkenny does not always arrive at the most correct conclusions. If the Honourable Member knows anything of Parliamentary practice, he knows that this petition cannot be received as the petition of a meeting of persons, but as that of the person who has signed it, and who presided at the meeting in the capacity of chairman. This is the point which I submit to the consideration of the House, seeing that the Honourable Member himself has designated that individual as a rebel.

Mr. O'CONNELL. — I submit, Sir, that we cannot convict this gentleman of rebellion, but upon the showing of the Honourable Member for Kilkenny; and I do not think that a British subject can be deprived of his right unless upon more tangible grounds than a mere assertion which may be made to his prejudice. No man can be convicted of rebellion without adducing evidence to prove the fact. But I confess I do not know why men who are charged with rebellion should not petition this House. I admit, with the

Right Honourable Baronet, that this petition can only be received as the petition of those who have signed it, and no one else. I submit, however, to the House, that there is no legal evidence of these parties being rebels, still less of their having been attainted.

Mr. GOULBURN. — I think we may receive the Learned Gentleman's statement, because the statement of the Honourable Member for Kilkenny, we are told, is not to be trusted. I apprehend that this is a petition complaining of the conduct of the Government. The Honourable Member for Kilkenny, however, says the petitioners are rebels, and asks us to receive it under these circumstances.

Mr. O'CONNELL. — The Right Honourable Gentleman has misrepresented the matter. I did not say, nor did I intend to say, that I did not believe the Honourable Member for Kilkenny was not correct in his assertion. I contend that we have no legal evidence before us; and I submit that no man should be deprived of his legal rights in the absence of such evidence.

The SPEAKER. — Does the Right Honourable Baronet mean to divide?

SIR EDWARD KNATCHBULL. — I shall not divide the House upon the question, but I think myself perfectly justified in taking the objection I took. I believe that, as to whether these parties are rebels or no rebels, no man is so competent to decide the question as the Honourable Member for Kilkenny.

Mr. HUME. — I beg leave to move, Sir, that the petition be printed with the votes, and I will call the attention of the House to it to-morrow.

Mr. GOULBURN. — I think that some further time should be given before the House decides upon this question, and that notice should be given of the presentation of this petition.

Mr. AGLIONBY. — The course suggested by the Right Honourable Gentleman is, I apprehend, quite out of order.

Mr. GOULBURN. — I admit it as an unusual one; but the statement of the petitioners being rebels is also one of a novel character.

Mr. HUME. — I say, Sir, that, if a man be actually in jail on a charge of any kind, he has a right to petition this House. I have myself presented petitions from persons in prison under similar circumstances. This is a petition from a county meeting, stating certain grievances under which the people suffer.

The petition was then ordered to lie on the Table, and to be printed.

LINEN AND LINEN YARN.

On the motion of Mr. BAINES, Order (2d February) for Account relating thereto, read and discharged; and instead thereof, —

Account ordered — of the quantity and official value of linen and linen yarn exported from the United Kingdom in the years 1833, 1834, 1835, 1836, and 1837; specifying the countries to which they were sent."

CONTROVERTED ELECTIONS BILL.

Mr. CHARLES BULLER. — I rise, Sir, to move the Order of the Day for the further consideration of the Report on the Controverted Elections Bill, for the purpose of discharging the order until this day week, Wednesday, the 14th instant.

LORD GRANVILLE SOMERSET. — May I ask the Honourable and Learned Gentleman when it is probable that the Report will be in a state to be proceeded with?

Mr. CHARLES BULLER. — I hope on Friday next.

Further consideration of Report deferred till Wednesday next.

RATING OF TENEMENTS BILL.

SIR HARRY VERNEY. — I rise to move the Order of the Day for the second reading of the Rating of Tenements Bill, for the purpose of postponing it till Friday, the 27th of April; and, as soon as the discussion shall have been taken, I propose to refer the matter to a Select Committee.

SIR EDWARD KNATCHBULL. — Do I understand the Honourable Member to defer the second reading until the 27th of April; and that he proposes afterwards to refer the Bill to a Select Committee?

I think it would be better to take the second reading at once, as there must exist much difference of opinion in respect to this measure. The Honourable Member intends, at a distant day, to move for the appointment of a select committee. I would suggest to all parties that the better way would be to read the Bill a second time now, and then to send the Bill to a select committee.

LORD JOHN RUSSELL.—As there appears to be great opposition to this Bill, and as some oppose the principle, and others the details, of the measure, I think the course proposed by the Honourable Member behind me (Sir H. Verney) is, perhaps, the most convenient that can be adopted. A select committee would have an opportunity of examining evidence, and the Report of that committee might enable the House to form a correct opinion on the subject. I have no wish that the measure should pass the second reading without full discussion.

LORD GRANVILLE SOMERSET.—I am perfectly satisfied with the explanation that has been given; but I think it might be more convenient to read the Bill a second time, and then refer it to the consideration of a select committee. If I understand the Noble Lord, the committee will have the power, not only of taking evidence, but will report specially their own opinions to the House on the special points of the Bill.

SIR E. KNATCHBULL. — If the committee is to have the power alluded to by my Noble Friend, I have no objection to the course which has been proposed.

Mr. PRYME. — I am convinced, and I believe all who have given any consideration to the subject must be of the same opinion, that the result of this Bill will be to impose a heavy burden on the poor and humble classes of the constituency; and if the committee are to have power to alter the detail only, I shall feel it my duty to give the most strenuous opposition to that which I cannot but regard as a most mischievous and unjust measure, and which cannot be productive of the slightest amount of good. My Honourable Friend has, no doubt, introduced this Bill with the best intentions, as there is, undoubtedly, a grievance in regard to this subject for which a remedy is necessary. If, therefore, it is proposed that the whole subject shall be referred to a select committee, I have no objection. Allusion has been made to a Bill which I have introduced for the purpose of remedying the same evil; but I agree with the Honourable Member for Kent, that the two Bills are incompatible with each other. I would, therefore, propose that both Bills should be referred to the proposed committee, in order that they may take evidence, and report in regard to each of the measures.

CAPTAIN PECHELL. — I am sorry to see the time of the House wasted by a discussion on the propriety of postponing the second reading of this Bill. There can be no doubt that it is competent for the House to postpone the Bill; but, in my opinion, it would be better to proceed to the second reading at once, for it is impossible that such a measure can ever pass the House. I hope, then, that if there is any postponement, it will be till this day six months.

Mr. M. PHILIPS. — I wish to state, that in the borough I have the honour to represent there are 33,000 ratepayers, to 18,000 of whom this Bill will have reference. It is, therefore, highly important that a measure affecting so large a portion of the people, as it is evident this Bill does, should be fully considered. If the Bill of the Honourable Baronet the Member for Buckingham, and the Bill of the Honourable Member for Cambridge, were referred to a select committee, I think that the Bill of the Honourable Member for Cockermouth, for the recovery of tenements, ought, also, to be referred to the same committee, as the subject matter of all the three Bills is intimately connected.

Mr. BRISCOE. — I have given the greatest care and attention to the consideration of this Bill, and I think a measure of more importance is seldom brought under the notice of the House,— that is, if we are to consider the vast number of persons who would be affected by its passing into a law. This Bill affects the working millions, on whom the prosperity of the country chiefly depends; and, in my opinion, the time of the House cannot be better employed than in discussing a subject so important, and in which so large a portion of our countrymen are interested. I cannot, however, approve of the measure proposed; nor do I see how any select committee could render it acceptable to the House. I believe no case has been made out for the introduction of this measure; and I have yet to learn what are those great grievances that have been so loudly complained of, and to which this Bill proposes to afford a remedy. There is not a single clause in the Bill to which I can give my support. The very first clause contains a provision so unjust and injurious, that I am sure the House could never agree to it. This Bill enacts, that if the rate is not paid by the occupier, then it shall be recoverable by means of distress levied upon the goods of the owner, though the owner may, perhaps, live — as is frequently the case — a hundred miles from the property. This Bill will directly interfere with that power which is now given to magistrates to remit the payment of rates where parties are poor and not able to pay them. I have received very many complaints, not only from the poor people, but from many of my brother magistrates, against the recent order of the Poor Law Commissioners, which requires that all tenements, even down to a mud cottage, shall be assessed to the poor's-rate, and that no magistrate shall give relief, by exempting the occupiers of such tenements from payment, without the consent of the churchwardens and overseers. This is a most objectionable regulation of the commissioners. Many of the poorer classes earn no more than about nine or ten shillings per week, out of which they have to support their families and to pay rent. Is it just, then, I ask, to issue an order for enforcing the payment of poor-rates from such persons? If the Bill is sent to a committee up stairs, I do not believe that it will come out from that committee with a single clause remaining as it now stands. As, however, it appears to be the general feeling that such a course should be adopted, I will not presume to divide against it.

[Loud cries of "Question, question!" and, "Divide, divide!"

LORD VISCOUNT SANDON.—If I thought, as it appears the Honourable Member for Westbury does, that this Bill was now to be read a second time, and then referred to a select committee, I should follow his example and proceed to discuss the various clauses it contains, being quite as much opposed to their principle as is the Honourable Member himself. But as I understand that the Bill is to be postponed without any other pledge on the part of the House than to refer it to a select committee, I do not consider this a proper time to enter into a discussion of its detail. My reason for rising is to ascertain from the Noble Lord the Secretary for the Home Department in what way he proposes to constitute the committee,—whether it is the intention of the Noble Lord to name the committee himself, or to leave the nomination to the Honourable mover of the Bill? Because the feeling of the country as to the results of the inquiry will depend much upon the manner in which the committee is constituted. And as it is a measure affecting, in a most important manner, the internal government of the country, I hope her Majesty's Government will not object to take the matter into their own hands. The borough I have the honour to represent had, for three years, a local Act in operation, of the same nature as this Bill, and which, in consequence of the general dissatisfaction that it gave, I some time since assisted in repealing. I hold now a petition against the Bill before us, signed by 1500 householders of Liverpool. But it may be said those persons are interested. I admit that they are interested; but I have also received and presented a petition from persons whose interest is directly the other way,—I mean the parochial authorities; these persons know by experience the ill effects of such a measure, and they pray the House not to pass this Bill.

Mr. WAKLEY.—I trust the Government will feel it to be their duty to take this matter into their own hands. From the violent opposition of the Honourable Members on the other side of the House, I am inclined to believe that many of the provisions of the Bill are good; and I think, therefore, it would be better to leave the measure in the hands of the Government than in those of a private Member. I trust the Honourable Member for Cambridge and the Honourable Member for Cockermouth will consent to have their Bills referred to the same committee, as all the three measures, in fact, relate to the same subject; and I have no doubt, if this course is followed, much valuable information will result, upon which some general measure may be founded satisfactory to all parties.

Mr. AGLIONBY.—Although I was originally rather inclined to give my support to this Bill, yet I have always considered many of its details defective; and after mature deliberation, I have come to the conclusion that both the principle and details are so bad that I can support neither. The same objections do not, I think, apply to the Bill I have introduced for the recovery of tenements, between which and the one now before the House there is no connection whatever, and therefore I do not consider that they ought to be referred to the same committee. I hope, however, that the House will insist on the two Bills for the rating of tenements, as well as my own Bill, being taken up by her Majesty's Ministers. I have often wished the Government to take the measure I have brought forward into their own hands, but I have never been able to induce them to do so. The Government have as yet brought forward no measure in relation to the law of landlord and tenant, notwithstanding all that has been said on the subject in the Report of the Civil Law Commissioners. If they would take the three Bills to which I allude into their own hands, they might then bring forward some general measure embracing their general object. The whole subject would then be in the hands of those who ought to take the matter up, and I trust the House will join with me in requesting the Government to take the management of the three measures under their own guidance, and not leave the matter to the efforts of private Members of the House.

Mr. A. SANDFORD. — I came down to the House with the intention of supporting the second reading of this Bill, without, however, pledging myself to the whole of its details, to much of which I entertain the strongest objections; but, looking at the opposition that is likely to be offered to the second reading, it would, I think, be the more prudent course to agree to the suggestion that has been thrown out, and refer the Bill to a select committee, in which case it would be much better to have the matter in the hands of the Government than in those of any individual Member of the House.

SIR H. VERNEY. — I assure the House that the turn which the discussion has taken gives me as much satisfaction as though I had personally succeeded with my Bill, and I shall greatly rejoice at the whole question being referred to a select committee, under the responsibility of the Government. The subject of my Bill is one to which I have, during the last three or four years, devoted very considerable attention; and I have brought it under the notice of the House only upon the settled conviction at which I have ultimately arrived of its utility. If the Government will consent to take up the matter, I shall be most willing to resign it to their hands.

Mr. BAINES. — If the Government would take my advice, they would have nothing to do with a Bill so truly mischievous and obnoxious in its character, and which cannot fail to bring odium on all concerned in it. Seeing the disposition of the House towards the Bill, the Honourable Member cannot hope to carry it through, except on the shoulders of the Government; and I hope the Government will leave it to its fate, and let it be disposed of at once. Before we attempt to legislate upon such a subject, we ought to have full information before us; and if the measure is to be proceeded with, I shall move for Returns in order to show the extent to which its provisions will go. If the second reading is postponed for the purpose of having such information before the House, I have no objection; but if not, it will be the duty of the House to dispose of it at once.

LORD J. RUSSELL. — I am fully sensible that this is not, by any means, a pleasant subject for the Government to take in hand, though I cannot but feel the full force of the suggestion that, if a measure of this kind were adopted, the occupiers of small tenements in country districts would be greatly benefited. On the other hand, however, I have no doubt that, if the Bill were passed in its present shape, it would inflict great hardship, in several of the large towns, upon the owners and occupiers of small tenements. The subject is, I think, one deserving of inquiry; and I am willing, therefore to undertake the task of moving a select committee,—of proposing the names,—and that some Member connected with the Government shall attend upon that committee; but more than that I will not, at present, undertake.

SIR R. PEEL. — I hope that, when the committee is appointed, the members composing it will feel the importance of closing their investigation as soon as possible, consistently with a full and ample inquiry, — as the question remaining open will throw a vast deal of property into embarrassment. The Noble Lord considers that a Bill of this kind would be a benefit to the country districts, but would inflict a hardship on the large towns. I hope it will be considered how it will affect the owners of small tenements in the country. I trust this point will be inquired into. It is well known that the owners of property in the country districts erect cottages to increase the comforts of the agricultural labouring population, without any adequate return in the way of rent; and if the consequence of such a Bill should be to compel the owners to pay the rates, I much fear that their desire to accommodate the poor will be very much abated; for then they will not only lose the interest of the money laid out, but will be subject to positive taxation. This is a point to which inquiry ought to be directed.

On the motion of SIR H. VERNEY, the Bill was then deferred till Friday, the 27th of April.

COMMON FIELDS IMPROVEMENT BILL.

Read a second time, and committed for Wednesday next.

HACKNEY CARRIAGES (METROPOLIS) BILL.

SIR MATTHEW WOOD. — Before moving the second reading of the Hackney Carriages Bill, I have a petition to present in favour of the measure, signed by a vast number of the hackney carriage proprietors of London.

The petition was then presented, and ordered to lie on the Table.

SIR M. WOOD then moved the second reading of the Hackney Carriages (Metropolis) Bill.

Mr. HUME. — It is not my intention to oppose the second reading of the Bill; but if I find, when it is printed, that it contains the same objectionable clauses as the Bill introduced last year, I shall certainly oppose the further progress of the measure.

SIR M. WOOD. — The present Bill contains no clauses except those agreed to by large majorities of the House last year.

The Bill was then read a [second time, and committed for Monday next.

PATTERNS AND INVENTIONS BILL.

On the motion of Mr. MACKINNON, the second reading deferred till Wednesday, the 21st of February.

SHERIFF COURTS (SCOTLAND) BILL.

Committee deferred till Friday.

COURT OF SESSION, &c. (SCOTLAND) BILL.

Committee deferred till Friday.

SUPPLY.

Committee deferred till Friday.

PAYMENT OF RATES BILL.

Second reading deferred till Friday, 27th of April.

BANKING COPARTNERSHIP BILL.

On Mr. POULETT THOMSON moving the second reading of this Bill,—

SIR EDWARD SUGDEN said: — It is not my intention to oppose the second reading of this Bill; but as it is one of so much importance, I think it ought not to pass even through this early stage without the public being satisfied that it has attracted, as it deserves, the attention of both sides of the House. Generally speaking there is nothing to which I should entertain such strong and insuperable objections,—nothing that I should deem more injurious to the interest of the public,—than the resort to a legislative remedy, having a retrospective operation, against a judicial proceeding. But this is a case in which I entirely agree with her Majesty's Government, that an immediate remedy ought to be afforded, because the mischief is one which has arisen without the parties being at all aware of it, and, moreover, is entirely of a technical nature. It is a case, therefore, in which the remedy to be applied ought to have a retrospective as well as a prospective operation. The Right Honourable the Chancellor of the Exchequer, on a former evening, said that it was intended, in the Benefices Pluralities Bill, to provide as to the trading of clergymen. I have since referred to that Bill, but do not find any such provision. I trust that some measure will be brought forward to enable clergymen to invest their capital and employ part of their time in occupations not inconsistent with their character, but preventing them, at the same time, from entering into trading speculations unbefitting their spiritual function. There is, however, one point in the Bill before us, which I think will require some amendment — I mean the clause which relates to the payment of costs, and which, as at present framed, is not sufficiently definite. As regards the proceedings now pending, the clause ought, I think, instead of being discretionary, to be positive; the party should be entitled to his costs, as he would be if the proceedings went on. With this exception, I entirely approve of the Bill.

The SOLICITOR GENERAL. — I fully concur with the Right Honourable and Learned Gentleman as to the importance of this Bill, and I agree with him, also, that nothing can be more dangerous in ordinary cases than to make alterations in the law relating to judicial proceedings *ex post facto* in their operation, and that it is equally objectionable that such alterations should interfere with existing suits. I assure my Right Honourable and Learned Friend that any suggestions he may be kind enough to offer, either here or elsewhere, with reference to this matter, will receive the fullest attention. With respect to the particular subject to which my Right Honourable and Learned Friend refers, we felt so much difficulty in combating the objections, that we considered it better to defer making any alteration in the original Bill until in committee we might have the benefit of the opinion of my Right Honourable and Learned Friend and of other Honourable and Learned Members of the House.

The Bill was then read a second time, and committed for to-morrow.

LIBEL.

Mr. O'CONNELL. — I rise to move for leave to bring in a Bill to amend the law of libel. The House has already twice permitted me to introduce a measure having the same object in view. It is generally admitted that the law of libel requires amendment. All the objections taken to the previous Bills I have endeavoured in the present to meet, in such a manner as I hope will induce the House to give it their unanimous support. Understanding that it is not the intention of the Attorney General to oppose the motion for leave to bring in the Bill, I will not now detain the House by entering into a detail of its provisions, but will explain them fully upon the second reading. I move that leave be given to bring in a Bill to amend the law of slander and libel.

The motion was then agreed to, and Bill ordered to be brought in by Mr. O'CONNELL and Mr. BAINES.

SUPPLY.

Mr. HERRIES. — I beg to ask the Noble Lord the Secretary of State for the Home Department, in the absence of the Chancellor of the Exchequer, whether it is the intention of Government to go into committee of supply on Friday next?

LORD JOHN RUSSELL. — It was undoubtedly the intention of my Right Honourable Friend, the Chancellor of the Exchequer, to bring forward the supplies on Friday next; but as the Irish Poor Law Bill will have precedence on that day, it is perhaps doubtful whether the House will have time to go into commitee of supply.

QUARTER SESSIONS.

Mr. MACLEAN. — I understand that it is the intention of the Government to introduce some measure to alter the jurisdiction of courts of quarter sessions. Perhaps the Noble Lord will state what the nature of that measure is to be.

LORD JOHN RUSSELL. — I must reserve any statement until I bring forward a motion upon the subject.

REGISTRATION OF VOTERS.

Mr. PRAED. — I will take the present opportunity of asking the Honourable and Learned Attorney General, whether it is his intention again to bring forward his measure upon the subject of registration of votes — because I think if the measure is again to be introduced we ought to have it before us previous to the discussion in committee of the Bill of the Honourable and Learned Member for Liskeard on controverted elections.

The ATTORNEY GENERAL. — It is my intention again to introduce the Registration of Voters Bill.

Mr. PRAED. — If the introduction of the measure I have alluded to is to be postponed for any length of time, I intend to give a notice to bring in a Bill upon the subject, myself.

GREENWICH HOSPITAL.

LORD GRANVILLE SOMERSET. —I beg to ask the Noble Lord whether it is the intention of the Government to fill up the office of Commissioner of Greenwich Hospital, which has fallen vacant by the death of Mr. Creevy?

LORD JOHN RUSSELL. — I have not, until now, heard of the vacancy, and am not, therefore, prepared to answer the question.

CANADA.

Mr. MACLEAN. — I believe it has been understood that the Noble Lord opposite stated, on a former occasion, that the Bill relating to Canada, now before the other House, was, when passed, to be sent out to Sir J. Colborne, who was, for the time, to be invested with the same powers as the Earl of Durham is to be. I beg to ask whether the instructions which the Noble Lord has laid on the table of the House are to accompany the Bill, or to remain till the arrival in Canada of the Noble Earl?

LORD JOHN RUSSELL. — In answer to the Honourable Gentleman's question, I have to state that those instructions are contained in a despatch to the Earl of Durham, and will be directed to him only. I will here embrace the opportunity which the Honourable Gentleman's question affords me of correcting a mistake that appears to have arisen respecting an answer I gave on a former occasion to a question put to me by the Honourable Member for Kilkenny, with respect to the removal of Sir J. Colborne. I declined to say what were the specific reasons that influenced that removal, — but I stated, and I beg now to repeat, in the clearest and most distinct terms, that Sir John Colborne was removed for no cause in the slightest degree derogatory either to his character or reputation.

EXPIRING LAWS.

Select Committee appointed, "to inquire what temporary laws of a public and general nature, made by the Parliament of England, or Great Britain, or Ireland, or of the United Kingdom, are now in force, and what laws of the like nature passed by the English, British, Irish, or United Parliaments, have expired, between the first day of the last Session of Parliament and the first day of the present Session; and also what laws of the like nature are about to expire in the course or at the end of the present Session, or on or before the first day of August, 1839, or in the course or at the end of any Session which may commence during that period, or in consequence of any contingent public event; and to report the same, with their observations thereupon, to the House:"—Mr. Baring, Mr. Attorney General, Mr. Solicitor General, The Lord Advocate, Lord Viscount Howick, Sir Thomas Fremantle, Mr. Edward John Stanley, Mr. Parker, Mr. Charles Wood, Mr. Hume, Mr. Jervis, Mr. More O'Ferrall, Mr. Bennett, Mr. Guest, Mr. Bernal. — Power to send for persons, papers, and records; five to be a quorum; instruction to report opinion from time to time to the House, which of the said laws are fit to be revived, continued, or made perpetual; leave to sit notwithstanding any adjournment of the House; Report (18th of March, 1837) from the Committee on Temporary Laws of Public and General Nature referred.

PUBLIC PAPERS, RETURNS, &c.

Ordnance Estimates, — For the year 1838-9, presented (by address). — To lie on the Table, and to be printed.

Prisoners. — Return (presented 5th of February) to be printed.

New Zealand. — Papers (presented 6th of February) to be printed.

Negro Education, Jamaica. — Paper (presented 6th of February) to be printed.

Adjourned at six o'clock.

HOUSE OF LORDS, Jovis, 8° die Februarii, 1838.

APPEALS.

Monteith *v.* M'Gavin. — Leave for a recognisance to be entered into for the appellant.

Ewing *v.* Chalmers. — Petition of the respondent for costs.

Mure *v.* Mure. — Petition of the appellant for an early day for hearing, the respondent's agent consenting.

Provost, &c., of Dingwall, *v.* Munro.— Petition of the respondents for leave to lodge cases.

Read, and referred to the Appeal Committee.

CHRISTOPHER TURNER, ESQ.

Petition of, for a private Bill. — Read, and referred to two English judges.

Several Lords took the oaths.

The Earl of Shaftesbury sat Speaker.

House adjourned during pleasure; and resumed by the Lord Chancellor.

OGLEY HAY INCLOSURE.

Brought from the Commons; and read a first time.

SLAVERY.

The Marquess of Sligo and the Duke of Cleveland presented petitions for the emancipation of negro apprentices, from inhabitants of Leicester and Barnard Castle. — Read, and ordered to lie on the Table.

APOTHECARIES ACT.

The Earl of Ripon presented a petition for alteration of the Apothecaries Act, from the legally authorised practitioners of medicine residing in the city and borough of Ripon. — Read, and ordered to lie on the Table.

BISHOPRICK OF SODOR AND MAN.

The Bishop of Salisbury presented petitions against the intended annexation of the bishoprick to an English see; from the archdeacon and clergy of the archdeaconry of Dorset; from the clergy of the archdeaconry of Sarum, and of Hereford. — Read, and ordered to lie on the Table.

NEW ZEALAND.

The EARL of RIPON. — Perhaps the Noble Baron will be kind enough to answer the question which I put the other night, relative to the alleged grant of a charter to a company for colonising New Zealand?

LORD GLENELG. — In answer to the question put to me by the Noble Earl, I beg to state, that after communication with some parties respecting the association for colonising New Zealand, the Government expressed themselves disposed to grant a charter on certain conditions. I have to state further, that the company not having acceded to those conditions, their request has been refused. I deem it right to mention, that the association then inquired whether Government would oppose the introduction of a Bill into Parliament for the purposes they contemplated? To that I replied, that the Government would not be justified in opposing the introduction of such a Bill with a view to have the question fully and fairly discussed, but that they reserved the unfettered discretion of opposing it at any stage of its progress.

The EARL of RIPON. — I am glad to hear that the Government means to pursue the course which has been stated by the Noble Lord. I presume that the Bill which is intended to be introduced will be in the nature of a private Bill, and referred to a select committee, thus affording all parties an opportunity of examining into its details.

BRITISH TROOPS IN CANADA.

LORD REDESDALE. — I beg leave to ask my Noble Friend a question relative to the returns that have been made of the despatches which were written with respect to the application made by Sir J. C. Campbell, last year, for a supply of additional forces to Nova Scotia. Perhaps the Noble Lord will have the goodness to state what was the answer to the gallant officer's application on the 3d of August, 1837?

LORD GLENELG. — With regard to the first part of the Noble Lord's question, the communication of Sir C. Campbell and the reply to it were of such a nature that it would be neither wise nor prudent to present them to the public. With regard to the letter of the 3d of August, it required a regiment in place of one which had been called off by Lord Gosford at that date; and the reply was, that it could not be supplied.

LORD REDESDALE. — Then am I to understand that Sir C. Campbell's application on the 3d of August, 1837, met with a refusal?

LORD GLENELG. — Yes.

IRISH EDUCATION.

The BISHOP of EXETER. — I beg to give notice that I shall, to-morrow, ask her Majesty's Ministers what steps they are about to take relative to the revival of the Committee on Irish Education.

CANADA GOVERNMENT BILL.

Lord Brougham presented a petition from the Earl of Stirling, hereditary Lieutenant of Nova Scotia, praying to be heard at the bar, in defence of his rights, which have been infringed upon by the Canada Bill.

On the Order of the Day for the third reading of this Bill being read, —

LORD ELLENBOROUGH said: — I was, unfortunately, prevented, by indisposition, from attending the House when this Bill was before under discussion. I hope, therefore, that your Lordships will allow me to offer some observations on it in the present stage. At the same time, I think it right not to touch upon the ground which has been travelled over in the previous debates. I should not think it fair if I were now to enter into a consideration of the conduct of her Majesty's Government, and particularly of the Noble Baron at the head of the Colonial Department, as exhibited in the correspondence which has been laid upon the table. I must, however, express my entire concurrence in what, I understand, fell from my Noble Friend the predecessor of the Noble Baron (the Earl of Aberdeen), as well as in the observations made by the Noble and Learned Lord (Brougham). Those observations were, no doubt, severe, but they were also, in my opinion, perfectly just, and not severe beyond the occasion. With that remark, I shall dismiss that part of the question. The first question which I wish to have clearly answered is, what is the object of her Majesty's Government with regard to Lower Canada, or rather, with regard to our North American colonies? Are the measures they intend to take to be founded on the Bill now before your Lordships, or are they to be in conformity with the instructions to the new Governor? There is the greatest possible difference between these two modes of proceeding. I put this strong objection to the measure of the Bill, namely, that the suspension of the Colonial Legislature for two years, and the substitution, for that period, of the despotism it is proposed to establish, will deprive us of the most favourable opportunity that ever occurred of making a permanent settlement of the affairs of Lower Canada. The Bill rests and is founded on the state of Lower Canada, according to the accounts which were last received. Now, the present state of that province is very different from the state in which it was when this Bill was brought in; and it by no means follows that the measures proposed to be taken at the time the outbreak was first known would be justified after the change which has occurred in the circumstances of the province. I trust your Lordships will permit me to read a short extract from Lord Gosford's last despatch,— in support of this proposition. He there expresses himself in these terms: —

> Thus have the measures adopted for putting down this reckless revolt been crowned with entire success. Wherever an armed body has shown itself, it has been completely dispersed; the principal instigators and leaders have been killed, taken, or forced into exile; there is no longer a head, concert, or organisation, amongst the deluded and betrayed *habitans*. All the newspaper organs of revolution in the province, — the *Vindicator*, *Minerve*, and *Liberal*,—are no longer in existence, having ceased to appear about the commencement of the present troubles; and, in the short space of a month, a rebellion, which at first wore so threatening an aspect, has,

with much less loss of life than could be expected, been effectually put down. It will, however, still be incumbent on the Executive Government to maintain, for some time longer, a guarded and vigilant attitude.

His Lordship afterwards says, —

Loyal addresses are daily pouring in upon me from the French Canadian population, in all parts of the province, expressing their fidelity to the Queen, and their attachment to British connection, and strongly reprobating the selfish ambition and treasonable designs which have thus ruthlessly involved one of the fairest portions of the country in all the horrors of civil war.

And towards the end of the despatch, his Lordship observes, —

The energy and activity displayed by the troops, the numerous offers of service from large portions of the population, in various parts of the province, to enrol themselves in volunteer corps for the defence of the Government, the discomfiture of the rebellious faction in Upper Canada, the favourable disposition of the Roman Catholic clergy, encouraged and strengthened by a recent pastoral letter from the Bishop of Quebec, which was read, on the 19th instant, in all the churches of his diocese, and a copy of which is inclosed, — all combine to assure me, that no further organised attempt is likely to be made to interrupt the public tranquillity.

My Lords, I have read these parts of the despatch because I think that, in a proceeding of this grave character, we ought to proceed on the last information which we have received as to the actual state of Canada. Looking to the accounts which I have read, it does appear to me that the preamble of this measure does not support its enactments; because it does not follow, from the present state of things, that the Legislative Assembly cannot meet without detriment to the public interests. If we look to the state of things which now exists, as depicted by Lord Gosford, there is now an opportunity, which, if once lost, will be lost for ever, for satisfactorily making a permanent settlement of the affairs of Canada. Has there ever been a more favourable opportunity of proposing to the House of Commons what her Majesty's Government intends to suggest with respect to the constitution of Canada? Has there ever been an opportunity when the people of Lower Canada, suffering as they are under the effects of rebellion, would be more disposed to accept the alterations proposed by the Imperial Parliament? I would say, further, is there ever likely to occur again a time when you can bring together, not the old, but a new Assembly, with a greater prospect of having men as representatives of the people, who, with a sincere desire to maintain the connection which exists between the province and the mother country, would go candidly and fairly towards a settlement of the differences which prevail? My opinion is, that if you act on the Bill itself, you will lose the only favourable opportunity which you are likely to have of making a permanent settlement of the affairs of Lower Canada. It cannot be said that her Majesty's Government are not prepared for such a course, because so long back as May last the Noble Baron (Lord Glenelg) distinctly stated that the Government were ready to introduce a Bill for the settlement of all the points adverted to in the resolutions of last year. These are precisely the points adverted to in the instructions to the new Governor — those upon which immediate legislation is required, and upon which legislation is by this Bill postponed. It is proposed to throw all responsibility on the Governor of Canada, and to effect a further delay for two years, when measures will be suggested, under circumstances far less favourable — I may say, desperate — if we look to a final satisfactory settlement of all disputes. Such is my conviction, if the intentions of the Government are to be gathered from their Bill; but, if they are to be gathered on their instructions, then they are pushing their object at a most unfavourable moment, for I cannot imagine any possible conjuncture at which it would be more difficult to establish either a union of the Canadas or a Legislature for certain common questions than under the combination of events which now exists. It is impossible that the Lower Canadians should not be excited to great jealousy and apprehension when they see that it is desired to deprive them of the influence which they possess over their own local government. On the other hand, there is a feeling in Upper Canada, that all that has taken place in that province originated with the inhabitants of Lower Canada; and thus a principle of hostility is created, which will induce the people of Upper Canada to resist any proposition for a union of the provinces, or even for a united Legislature, of which the functions are to be limited, until they are able to secure that to which they have no just claim, — a majority in the representation. The effect of giving a majority in the united Parliament to the inhabitants of British descent would be to place the French Canadians of Lower Canada in the same state of thraldom to which the British settlers in the Lower province now complain that they are subjected. Such a union would be worse than that of Holland and Belgium. Instead of producing concord and good government, it would create new sources of dissension, perhaps of conflict, between the two provinces. But if, by any manœuvring in the arrangement of the franchise and of the electoral districts, it were possible to secure in the united Legislature a majority to those of English descent, still the minority in Upper Canada which hold republican principles, added to the majority in Lower Canada attached to the same views, would constitute a republican majority; and, although you may resist the demands of the Legislature of one province, it would be impossible to contend against the demands of a united Legislature. I feel satisfied, that in all matters of difference between the Upper and Lower provinces, the mediation, or rather the arbitration, of the Imperial Parliament is absolutely necessary. I think that experience has shown that it is quite impossible to expect that any commission formed of persons elected by the two provinces can lead to satisfactory results. Now, such being the probable results of the measures intended, whether founded on the Bill or on the instructions, I ask how is it likely that they will be well received in Lower Canada? I do not ask how they will be well received by people of French origin merely, but how will they be received by persons of English origin, desirous of maintaining the connection with this country, and disapproving highly of the conduct of the House of Assembly. I think that some indication of what their feelings would be is given in the despatch of Lord Gosford when describing the reception of the resolutions of last year by that party in whose favour it may be supposed they were passed. I beg your Lordships to recollect what Lord Gosford declared was the effect produced in Canada, last year, when those resolutions were received. Were they favourably received by the party for whose benefit they were said to have been passed — by the minority in Lower Canada? Certainly they were not. Lord Gosford distinctly states, "I must observe, that the feeling against the Imperial Parliament taking money out of the public chest is very strong; and even those who reprobated the conduct of the House of Assembly cannot refrain from an expression of disapprobation at this part of Lord John Russell's resolutions." Now, if such was the state of feeling with respect to those resolutions, do your Lordships suppose that the measure which you are now about to pass — going, as it does, so much beyond what the Executive Council, even, contemplated when rebellion was menaced — do you think, I repeat, that when that rebellion has occurred, and is suppressed, this measure will be met, even by the friends of British connection, with any other feelings than those evinced when they became acquainted with the nature of the eighth resolution? I have said, that this measure has gone beyond what the Executive Council contemplated; for that Council, when pressed by Lord Gosford, stated, "that they did not recommend the suspension of the constitution, but they thought that power ought to be granted to repeal certain laws, and to provide for the continuance of others which were about to expire, in order to enable the Executive Council to carry on the government." And they recommended the repeal of the 1st William IV., which would place his Majesty in possession of the revenues which he heretofore enjoyed, so that it might be possible to carry on the civil government without having recourse to the Assembly. This, under the circumstances, I consider was a fair, just, and proper measure. But, while I accede to that, I would not depart from the offer made by Parliament, of exchanging the hereditary revenues for an adequate Civil List, — accomplishing that measure by an Act which shall, in the accustomed manner, provide for both objects. It is also justifiable and right that there should be some power of reviving expired and continuing expiring laws. But let it be observed, how much further this Bill goes than the repeal of the 1st William IV. There is not more required for the expenses of civil government than 60,000*l.* or 70,000*l.* a-year, whereas beyond that a sum, perhaps, of 100,000*l.* will be placed at the disposal of the Governor General and his Council, without account. That is an unnecessary power, and therefore I think it ought to be withheld. But I must further observe, that the Executive Council never contemplated the delegation of general powers to make laws, even of a temporary character; on the contrary, they asserted, that beyond the repeal of 1 W. IV., and the revival of expired laws, and the continuance of expiring Acts, "they would not, in the actual circumstances of the province, suggest any further alteration in the constitution." We all know that time is a most important consideration, not only in all military, but in all civil affairs. If the Noble Baron (Lord Glenelg) desires to put off this question for three years, and to throw it from his own shoulders on the Governor of the Canadas — if he is desirous, by extinguishing the Assembly, to establish an autocracy, — he could not have selected a better time than that which he has adopted; he never could have found a House of Commons more disposed (acting, as it does, under the influence of rebellion) to grant such a power. But if, on the other hand, he desires to make at once a permanent settlement of this question, there is no time better than the present to carry such an intention into practice; there is none at which he would receive greater assistance from the Canadians, or greater facilities at home, for the accomplishment of such a purpose. I deeply regret that the opportunity which has offered has not been taken, because not only is the state of things, now, much more favourable for the legislation of the Imperial Parliament than when the Bill was brought in, but your Lordships are well aware that events have since taken place which urge you to come to a settlement, at once, if possible, and a conciliatory settlement, of the unfortunate differences which exist. It cannot be concealed, that the tendency of the revolt, or the disaffection which prevails in these provinces, especially in Lower Canada, is to create a danger of the greatest calamity which can befall this country or the human race, namely, a war between England and the United States. Every day that a satisfactory settlement is delayed, that danger is becoming more imminent; but it will be most imminent by any unnecessary severity — by any attempt to do an act of injustice towards the French Canadians, which will displease even those of English origin, and excite the constant observation, if not sympathy, of the United States. Let not these feelings be agitated, or her Majesty's authority in Canada will be overturned. Another danger, though not so imminent, will arise by pressing down, as by some it seems intended to do, — though the Noble Earl, going out as Governor, was too prudent not to disavow his participation in any such views, — by pressing down the French Canadians, and subjecting them to the punishment of practical disfranchisement, by giving an unjust supremacy to those of English origin. Let us take care that the French people be not thus aroused by our injustice to active sympathy in the cause of the descendants of their countrymen. On the whole, I feel satisfied that there is much greater danger in suffering a long interval to elapse before there can be any final settlement, than would now accompany the adoption of any reasonable measure for that purpose, which might be devised by the Imperial Parliament. With hese impressions, feeling that we are now about to take a step which cannot be departed from, which must induce discontent and collision with our own subjects — perhaps a collision with the United States — ending in a fatal war with that country or with France,—seeing that this measure is not supported by justice, and that it is evidently impolitic, I have left to me no other course that of saying "not content" to the proposition which is now made for the third reading of this Bill.

LORD GLENELG.—The Noble Baron has very ably and candidly stated his objections to the present Bill. If I could accede to the view which he has taken of this subject, I should certainly be disposed to acquiesce in his conclusions; but I confess that I differ widely from the Noble Baron in his anticipations of the probable effect of the measure. The Noble Lord has said, that if I establish an autocracy in Canada, — if I am disposed to crush the French under the English Canadians, this measure will have that effect. I disclaim, entirely, any such intentions. My Lords, I agree with the Noble Lord, that there are great and important interests involved in the discussion and settlement of the present question. With respect to its possible consequences, I think I may claim something on behalf of the Government in opposition to the views taken by the Noble Lord, which are not shared by those with whom he generally acts. It is perfectly true that, in the interval between the suspension and restoration of the constitution, are involved many important events; but the Noble Lord contends, that we should at once carry into effect a permanent settlement. My Lords, if I could be persuaded that we could proceed at this moment to continue the present constitution, — if we could this moment establish a permanent system, which should work harmoniously for that country; and if, by that means, we could obtain a result satisfactory to all parties, — if we could obtain such an object by any other means than the measure now proposed, I should most cordially acquiesce in the negative pronounced by the Noble Lord. But looking to the state of the two provinces, I cannot contemplate the possibility of such a result. The Noble Lord has said, "Why not summon a new Assembly, and proceed with the working of the constitution?" Why, at this moment, the great objection to a plan which has been promulgated, and by which the Governor is to act, prospectively, on certain propositions to which he is referred in the instructions is, "The first thing you should consider is, the present state of the province, with a view to restore peace and tranquillity." What possibility of such a result can be expected from a new Assembly, when the excited state of parties is considered, and when the arguments of the leaders of the Canadians, instead of being repressed by such a proceeding, will be raised to still higher importance, by being allowed the opportunity of being carried into operation at the new election? I feel convinced that the state of the province is correctly represented by Lord Gosford. At the same time it is impossible to doubt, after the great excitement which prevails amongst all parties, even supposing the revolt to have closed, whether there is or not made out a case for the enactment of the present measure. If your Lordships look to the series of those events which have transpired of late,—the habitual resistance, on the part of the Assembly, to any wise system of legislation,—if you advert to the excited feeling of the French portion of the population, —it is quite clear that if you propose to confer a permanent tranquillity by appealing to the voters at the elections, you will overturn the constitution, revive agitation, and give a free scope to the measures and devices employed to seduce the unfortunate people into the present revolt. The grounds on which the Bill rests are these:—that after a long succession of Commissions on the part of the Crown; after repeated experiments on and numerous appeals to the candour, good sense, and loyalty of the people; — the Assembly of Lower Canada has resisted all efforts at conciliation, and at length blocked up the wheels of government by placing the province in its present condition. The revolt is only a part of the system on which we proceed, and granting that we are bound to give protection to all the inhabitants, and disclaiming all distinctions between French and English inhabitants, it is our duty to give the Canadians some government to hold society together, and to prevent the dissolution of all law and order in that province. The Noble Lord has stated that these propositions would be unacceptable to the English party. It is perfectly true that the resolutions of last year were disapproved of by that portion of the inhabitants; but I state, deliberately, that it is not merely the opinion of the English, but also of a considerable portion of the French inhabitants, who, perceiving the issue to which the plans of the leaders are tending, and feeling what must be the fatal effect of such a movement, if persevered in, feel, that unless the British Parliament interpose, they cannot be saved from the inevitable ruin by which they are threatened. I am pursuaded, further, that the English population look with particular feelings of interest to a continuance of the connection with the mother country. I agree with the Noble Lord, that the British Parliament are bound to consult, as far as possible, the feelings and opinions of the people of Canada, and this is the very plan on which the Government proceed; but in the present state of excitement, I do not think it would be possible to legislate for any amendments in the constitution of the colony, that would satisfy the *habitans*. I am sure, if we were to propose any such measures as those calculated upon last year, we should be met with this remonstrance, "You are rash in bringing forward these measures; you ought to ascertain clearly what the feelings of the people are, not merely prior to the revolt and at its commencement, but subsequently." We should be told, "Try the course which shall be recommended by a Governor on whom they imposed adequate authority, and not proceed to legislate by arbitrary changes in the constitution." If Parliament had taken advantage of a moment when the province was hardly yet recovering from a state of revolt and rebellion, to interfere and enact its own laws and regulations, and establish its own authority, I think this would have been a disgrace to it and the country. Neither could it be consistent with the real power and dignity of this kingdom, to take advantage of such a moment of excitement, and appeal to the feelings of the people of Lower Canada, and ask them to agree to a constitution and a form of government which, under the circumstances, they could not be capable of appreciating calmly and dispassionately. It may be said, in answer to this, that in whatever the Government think it necessary to do, in the present emergency, they will have the Parliament of the country with them; but they do not ask for powers which, under the circumstances of the moment, they might perhaps be able to seize upon; but for such as will best conduce to the preservation of the great and permanent principles of constitutional government, and the prolonged connection between the northern American provinces and the parent state. Government is of opinion that the present moment is not the time in which the wishes and opinions of the Canadians themselves, upon the subject of their future government, can be consulted with advantage; and therefore they ask for an interval, during which an appeal will be made, I hope successfully, to their better feelings, and lead the way to those measures of amelioration which both Parliament and the Government undoubtedly have in view at the present moment. This is the general notion of the Government, and I believe of Parliament, upon this subject. I am aware that objections have been urged against some points in the Ministerial plan, and that specious arguments have been urged against its details; but, looking at the present and permanent interests of the colony, and the feelings and wishes of the people themselves, I think that it would be unwise in Parliament to attempt to introduce any changes in the constitutional government of Lower Canada. It is upon these grounds that I oppose the proposition of the Noble Lord, believing that that which has been submitted by the Government, is supported by circumstances, by reason, by principle, and by a regard to the interests of the colonists themselves.

LORD ASHBURTON. — I concur in the opinion of the Noble Lord who has just sat down, that the settlement of this question ought not to be made at the present time. The Noble Earl (Durham) ought, however, to have had the power of calling together the Assembly of Lower Canada, in case the misguided people should return to their allegiance, and tranquillity be restored. One thing is clear, that the agitators in the Canadas, who excite others by acting on their fears or working on their passions, like some nearer home, do so from a notion of the great weakness and evident want of decision of the Government. How can they feel otherwise? They have seen the rapid successsion of governors in a short period. They have seen Sir John Colborne removed to make way for Sir F. Head, and him recalled to make room for Sir George Arthur, who, in his turn, will shortly retire, to give place to the Noble Earl (Durham), who will take the supreme authority in both provinces. It is impossible that such a system can have any other effect than that of weakening the Government in the opinion of the people of the two provinces. I can liken these rapid changes of governors to nothing but what took place in the early campaigns of the Noble Duke (the Duke of Wellington) in the Peninsula, when three generals-in-chief appeared on the field on one and the same day. I will now come to the question whether the measure before your Lordships is just to the people of Canada. I will at once admit that there is an injustice done by it to the Legislative Council. I will admit that the state of things between the Legislative Assembly of Lower Canada and the mother country has come to that pitch, that we must either give up the colony altogether, or assert the authority of the Crown over it. The whole of the argument of the Learned Gentleman who appeared at the bar the other evening went to show the impolicy of attempting to govern the colony at all from this country; and, indeed, I cannot see how it will be possible to assert the authority of the Sovereign of England consistently with a compliance with all the complaints of the colonists. A committee has sat for the consideration of those complaints, and on its recommendation Parliament has consented to redress the grievances complained of, with the exception of that in which it is sought to have the Legislative Council chosen by popular election in the same manner as the House of Assembly: a compliance with that would put an end for ever to our authority in that colony.

I have been a pretty constant attendant on the committees of the House of Commons which have sat on this subject, and I have found that the great object of the leading agitators, and of those who go with them, is no other than to set up Lower Canada with a national character, language, and laws, as an independent state; and finding the Government of this country of "squeezable" materials, as it is termed, they hope to carry that object. It is admitted on all hands that the Canadians of French origin are for the greater part in extreme ignorance, which many of them have since been shamed out of, but being so, they are persuaded by agitators that the time has arrived when they may assume a national character. They are induced to fall into this notion the more readily by the rapid advances immigration has made in that country, and they naturally think that if they do not make the attempt now, they will soon be swamped by the masses of emigrants coming from England, Germany, and other states, who cannot be disposed to feel any sympaty with them. Many seem to look upon one possible result of the present state of things with some alarm, namely, that the Canadas will separate from us, and join the United States; but, for my own part, I would rather see the two provinces join the United States, than see Lower Canada follow her own course. Nobody disputes that the power of the United States is gigantic, and that the accession of two such colonies as the Canadas would add to it; but looking at their deficiency of harbours, except those in the St. Lawrence, I beg to say that the possession of those two colonies would not add one iota to her power of annoyance to this or any other maritime state. The case would, however, be very different if Lower Canada were established as a republic under the protection of France. Some reference having been made to opinions which I gave on this subject some twelve or fifteen years ago in the other House, I will state that I still entertain the same opinion, namely, that the value of colonies has been greatly overrated. I do not refer so much to their importance in a commercial point of view, as to the question whether the value of that commerce would not be just as great with the particular place existing as an independent government as if it continued under the sovereignty of the mother country. This leads me to say a word as to colonisation in general. The great reluctance of Parliament to enter very minutely into all the details respecting them,—a reluctance which, very probably, left as we now are with respect to the Canadas, makes colonies in general of less value than they are, — may render a few remarks on the subject not unnecessary. Under the old system of colonisation in Europe, the case was very different from what it is at present, and colonies then were more valuable; because at that time all commercial and maritime nations were pursuing the system of colonisation to a vast extent. Spain and Portugal seized on half the New World for the purpose. England, France, and Holland also were carrying it on to a great extent in the most distant parts of the globe. What so many commercial nations were then doing became necessary for all, for the colonial system at that time was almost entirely that of non-intercourse with any state but the mother country. The colonies were therefore highly valuable to the parent state. It was not so, however, when the colonial system became relaxed, and they then became of less value than they were before. This does not apply strictly to all our foreign possessions, for there are, for instance, some of the West India islands; some possessions in the Mediterranean and other places, which, in time of war, are of the utmost consequence to this country, but for other causes than those of their commercial value. The Canadas, however, are not of this description. They were taken from France during the war which ended in 1763, and reserved by this country, not so much for their own intrinsic value, as to serve as a protection for our other North American possessions. At that time they were nothing but a barren soil, covered with snow; and as to Upper Canada, it was scarcely known. Now, however, the two provinces run for 1200 miles along the frontiers of a powerful — indeed, an all-powerful—state in the New World. The inhabitants of the States (North America) are an irritable and arrogant race, like ourselves, from whom they sprung. Looking at the people at both sides of the border, looking at the tendencies of a popular government, it would be almost impossible, under particular circumstances, to prevent the risk of a collision, and of being forced into a war, which, I need not say, with the Noble Duke, ought not to be a "little war;" for the people with whom we should be then engaged would not be allow us to make it a "little war." We should consider that such a war must on our side be for the greater part a defensive one, and that must in time be a losing game. These are matters for grave consideration, and should make us examine whether in reality the colonies are of such value as they are usually held to be. It behoves this country to see what is the permanent value of these colonies to her.

My object in making these observations is not to lessen, in your Lordships' estimation, the commercial value of many of our colonies; but I repeat, we should consider whether they would be less valuable as independent states than they now are under the sovereignty of this country. As long as they are content to remain in their present condition, under the protection of this country, it is well that they should so continue; but if they demand to be separated,—to take on themselves a national character,—then it appears to me that it would be the wisest course, the most liberal, and the most consistent with sound policy, to shake hands with them, and let them join with the North Americans if they so think fit. We should still have these colonies to deal with, and not the less valuable would be their intercourse because they are under their own government. Will any one say that the commercial intercourse with the United States of America is of less value to us at present than when most of its states were under the sovereignty of England? On the contrary, will it not be admitted that the commercial intercourse with each is of the utmost importance to the other? If we look to the possibility of that change which history shows us takes place in the condition of the most powerful nations, — if the grandeur of England should fade, and its prosperity decay, the greatest monuments of her glory will remain in her colonies. What a contrast between their condition and that of the colonies of other states! When the colonies to which I here allude came to emancipate themselves, not one of them was found to be capable of self-government. They possessed no public opinion to judge of; they had no common sense to guide them. Of the colonies which have separated from the parent state, the only one which enjoys any degree of tranquillity is the empire of the Brasils. For nearly the entire period of half a century, during which these colonies have been standing on their own legs, they have continued, almost without a single intermission, rebellious. They have remained in the possession and exercise of all that turbulence which democracy brings. There has been no relaxation of lawlessness,—no successfulness of rebellion. This country should learn from experience, and derive wisdom from the knowledge of these facts. In the present instance, no person of common sense will be found to say that these colonies will belong to us for twenty years. Such a result is inevitable, and we should therefore be prepared to expect it, and not to repeat the follies of past times. If we are compelled, as certainly we must be, to give up these colonies, when the fitting season arrives, it should be our wish and endeavour to part with them on friendly terms, so that kind feelings and relations may still continue to exist. Upon this subject I should have felt much, in their case, the force of an expression which has been made use of in one of those admirable letters of the Noble Duke (Wellington) which have so much delighted the public of this country. Speaking of his position in Portugal, at a time when he was oppressed by difficulties of all kinds, the Noble Duke said that, if he was to leave the country at all, he would wish to go out at the hall door, and leave it like a gentleman. That is precisely my feeling towards the Canadian colonies. If you are of opinion that the colonies should be retained, then the case will of course be different; but if they must go, I would then say, "Go out in a manner worthy of the dignity of a great people, and so as to continue to have a claim on their gratitude and affections." This is my opinion with respect to these colonies. The time, however, in which that could be best and most advantageously done, is a time of quiet and tranquillity, when peace and good feeling prevail. There can, therefore, be no time less oppertune than the present, when a rebellion has occurred, and the minds of the people are excited, and their affections alienated.

That will be one great difficulty. We shall also have great difficulty arising from the state of our own people in Upper Canada, and from our people in Lower Canada being intermixed with the French population, from the conviction which must necessarily be felt, that, if the British settlers are abandoned, they must be sacrificed,—a result which appears to me to be quite inevitable. It is our duty, and our painful duty, when subjects of this kind come under our consideration, to open our eyes and see our real interests and dangers in a matter; and although we may not be able, at the time, to act up to our intentions, it is essential we should be ready to do so when the time arrives. As far as the people of Upper Canada are desirous of separating from the mother country, I, for one, do not know whether I would not encourage them; at least I am certain I would be a consenting party. The people of Upper Canada have, however, by their recent conduct, given the strongest proofs of their desire to continue united to this country. The late calling of the convocation by the Governor, Sir Francis Head, afforded the opportunity of testing their wishes and feelings in the matter. So far, however, from expressing any such inclination, they expressed directly the contrary; and it is a circumstance of some consolation to see that, when they had the opportunity of showing to the world any such feeling, if it existed, they declined to do so, and that, too, under circumstances of strong temptation, arising from their proximity to a republican government and other causes. They were conscious of the advantages which they derive from their connection with this country, and the consequence was, that there never was exhibited so strong a muster of men anxious to defend and continue that connection. That circumstance, therefore, connected with the state of the population in Lower Canada, would present a bar to your acting upon the principles which I have pointed out. As my opinions upon the subject have been quoted in another place, I must take the liberty of suggesting to Noble Lords opposite, the Members of her Majesty's Government, whether there could not be left to the Noble Lord (Durham), who is about to go out to Canada, the power, if he think proper, of again calling together the Assembly of Lower Canada? There is little prospect, however, of such a plan turning out to be feasible. With these observations, I will leave the matter in your Lordships' hands.

The EARL of MANSFIELD.—Having had no opportunity, on a former occasion.

of expressing my sentiments on this important question, I beg leave, now, to trouble your Lordships with a few observations. I feel, however, that I owe a particular apology for coming forward after the able and powerful speeches which have been made on this subject, and I should probably not have ventured to trespass on the attention of your Lordships, if it had not been for something which has taken place in this debate that seems to me to call for observation. The Noble Baron commenced his speech with a manifestation of so much good sense and knowledge of the subject, as must have left an impression, I am sure, adequate to the importance of the question. The Bill before your Lordships has for its object the suspending of the constitution of Lower Canada, and the providing a temporary government, until Parliament, after due deliberation, shall give them another constitution. I do not mean to oppose the Bill, but I must say that I assent to it with extreme reluctance. It is founded, however, upon a necessity which I at once acknowledge. It is founded upon the misconduct of the Assembly of Lower Canada. It is, notwithstanding, with the greatest reluctance that I consent to take away any of the rights enjoyed under a free constitution by any portion of her Majesty's subjects, or deprive them of the representation of a popular assembly. My Lords, we are, in this matter, in my humble opinion, in a very awkward predicament. We are engaged in a contest, of which many of us will not live to see the conclusion,—of which none of us can, confidently, predict the issue. Every step which we take should be marked by the greatest caution and prudence, and should be considered as a type of that system which we ought to adopt towards our colonies,—a system of conciliation and of justice. It should be an indication of the conduct which we are determined to pursue, and the measure of just severity we are about to pass ought not to be unaccompanied by a declaration of that system. I think it would be a better course, and one more consistent with precedent, if that declaration were made in a message from the Crown. In discussing this very extensive subject, your Lordships must take into consideration the conduct of the House of Assembly, of the government of the Colonial Secretary, and the state of the two provinces of Canada. It is to the conduct of the House of Assembly that I look for a justification of this measure of severity. I was very much struck by an observation of the Noble and Learned Lord (Lord Brougham) as to the right which Parliament had given to the House of Assembly; and yet, on the first occasion of their exercising that right, proposing to take it away from them. Now, I cannot conceive that the House of Assembly was justified in availing itself of an unfortunate omission,—of imposing conditions in the Act of 1831,—an omission against which the Noble Duke near me (the Duke of Wellington), and a Noble Earl now no more, but who was for many years at the head of the Colonial Department, for many years remonstrated in vain. The Assembly, therefore, in refusing supplies, may be said to have exercised a right. I will state the views I take of the constitution of the province. In the first place, the different branches of the Legislature have different powers, the antagonist forces of which keep the government in a proper state; but experience has shown, that when the rights of one branch have been pressed, so as to invade the rights of any other, the consequence has been, of necessity, a violent change.

Notwithstanding the theories of writers, I must remind your Lordships that there is a discretion to be exercised by prudent men. In this view, apparently, the House of Assembly of Lower Canada have acted. But they have gone further; for not only have they drawn up a statement of grievances, but in that statement they include particular matters, not as positive grievances, but as improvements which they wish to introduce, and which, of course, must be speculative. One of these was, the new formation of the Legislative Council. Now, how could that change, allowing it to be beneficial, be effected without the consent of that portion of the Legislature affected by it—unless by a violent departure from the constitution? But the House of Assembly, I say, went further. Not only did they endeavour to effect a redress of grievances by refusing the supplies, but they declined going on with the regular business of the country; so that when the House of Assembly was prorogued, it was doubtful whether there had been a Session or not. This is an important doubt; for if there had been a Session, certain Acts of Parliament, for want of their renewal, would have ceased to exist. This stoppage of the public business has been characterised, even by the loudest advocates of liberal measures, as factious. What could the Governor do? Was he to call a new assembly? And yet, there was no chance of getting a new assembly any better disposed. When there is a declaration of martial law, trial by jury, the writ of *habeas corpus*, and other constitutional privileges are suspended. Lord Gosford could, under the influence of the excitement so produced, hope for no support. The Assembly would rather vindicate the revolt than support the Governor. I state this to show the reluctance which I feel to take away the privileges of the constitution. My opinions are derived from those with whom I am connected, whose acts, though they have been denounced as arbitrary and unconstitutional, will be found to terminate in substantial benefit. I, though differing from her Majesty's present Ministers, as well as from former Administrations, have this satisfaction, — that I never advised the Assembly of the province to persist in reiterating their grievances, and obtain their redress by a refusal of the supplies.

I am anxious to make a few observations on the conduct of her Majesty's Ministers. That conduct has been very ably impugned by several Noble Lords on this side of the House; and, having been a Member of Parliament for many years, I must say that I never heard charges so ably stated and so ill refuted, and, I may say, so wholly uncontradicted. I cannot help contrasting the conduct pursued by my Noble Friend (the Earl of Aberdeen) and that pursued by her Majesty Ministers with respect to the appointment of a Governor. My Noble Friend has appointed a Governor General in conjunction with commissioners (very respectable persons, I admit), who agreed to differ on almost every subject before them. I must also say, that the conduct of her Majesty's Ministers in sending out the resolutions of last year, without founding a Bill upon them, was highly censurable. It gave rise to a suspicion, that it never was the intention of her Majesty's Ministers to accompany the resolutions with a Bill. And here, I must ask, what were the intentions of her Majesty's Ministers? For, after all that was said in the other House of Parliament, and after the despatch of the 27th of May, my conviction is, that no Bill was intended to accompany the resolutions. This was a pretty general suspicion at the time, and I must say that the result has shown that it was a very good guess. There is reason to think that in Canada also the same suspicion prevailed; on which account it was probable that the resolutions would be inoperative. They must irritate, they cannot reconcile. Coupled, as they were, with the withdrawal of the Bill, founded on them in consequence of the approaching dissolution of Parliament, and taken likewise in connection with the other circumstances in which they were passed, and with certain events which followed the passing of them, could there be an expectation that the Canadians could believe the assertion, that a measure founded on the resolutions would be persevered in, when it was seen that one of her Majesty's Ministers was taking an active part in supporting a particular candidate; one of the household having presided over the committtee of the Honourable Member for Westminster, who was one of the most determined advocates of the claims and the justifier of the conduct of the House of Assembly,—and this, too, in opposition to a most distinguished officer, who had been chief Governor of Canada, and, subsequently, Colonial Secretary, and one against whom the complaints and invectives of the House of Assembly had been directed? This, surely, was an indication that the Government had no certainty in their actions. Whether this was a just inference or not, it was a very natural one. It was precisely that failing which the agitators of the people were in the habit of pointing out with so much force in their argument, that though they might be met with contradiction they could not be refuted, either by the words or subsequent acts of her Majesty's Government. Well, the Noble Earl is then to be sent to Canada, with instructions to collect the opinions of the people and transmit them to Parliament, that it may take measures, with due deliberation, for giving a suitable government to the people of Canada. But here, as in other cases, the Noble Baron seems, instead of bringing the matter to an issue at once, to have thrown it into Chancery; it is like granting a lease of the disputes. I do not think that the Noble Earl who is going to Canada will find, when he has been there a time, that he knows more of that province than he does now. I doubt very much whether there is not quite sufficient information to enable Parliament to come at once to a decision as to what part of the grievances complained of ought to be redressed, and what demands ought to be resisted, — to frame, in short, an Act of Parliament which shall give a new constitution to Canada. With regard to the instructions which the Noble Baron proposes to send out for the guidance of the Noble Earl, I must say that it appears to me that they must undergo very considerable alterations. The Noble Earl is directed to bring before his council certain subjects, on which he is to receive their advice; also, the tenth of those resolutions which passed both Houses of Parliament last Session is cited, "That great inconvenience has been sustained by his Majesty's subjects inhabiting the provinces of Upper Canada and Lower Canada, from the want of some adequate means for regulating and adjusting questions respecting the trade and commerce of the said provinces, and divers other questions, wherein the said provinces have a common interest," &c.; and the question in debate between the provinces is stated to be among the subjects which the Noble Earl ought to bring before the Council. That is a very important question; yet I do not know whether the Noble Earl is in possession of any means of settling it; but it seems to me that there is a subject of inquiry which deserves the Noble Earl's attention, and that is,—whether it may not be possible to repeal the Act of 1791, and thereby consolidate the two provinces; and instead of having two distinct legislatures, in their authority on all matters exclusive, to effect a complete reunion of the provinces as they were before they were separated by the Act of 1791. It appears to me that that is a subject well worthy of inquiry; and though I do not mean to give an opinion of my own on the matter, I beg to mention that I have found, on perusal of the debate on the subject in 1822, that Sir James Mackintosh made no great opposition to the measure then before the House having this object,. but that he went so far as to approve of it. I listened with great attention to the speech of the Noble Baron last year; and yet, able and eloquent as that speech was, it failed to convey to my mind any intimation of the intentions of Ministers on the question of separation; I could find nothing like a decisive opinion or determination expressed by the Noble Baron: if he had a determination on the subject he did not make it known. When the Noble and Learned Lord (Lord Brougham), a few nights ago, stated his views of the proportionate advantages and disadvantages of holding our colonies, the Noble Baron (Lord Glenelg), in his answer, did not adopt or refute the Noble and Learned Lord's opinions. I think that it becomes imperative on her Majesty's Ministers to declare their intentions with respect to these points, and to state whether they intend to preserve the colonies or not. Advantages are derived by the colony from the mother country, and the mother country derives advantages from the colony. In my opinion, the benefits are reciprocal. It appears that the colony has the advantages of the protection of the mother country, and participates in British commerce and British institutions: the mother country, on the other hand, has the advantage of promoting its own trade by extending its own commerce, and increasing establishments for emigrants from this country, who leave it, carrying with them British feelings and British predilections. The colony, too, has this advantage, of not paying as heavy taxes for the protection it enjoys as under other combinations of circumstances it might be compelled to pay, or which it would be obliged to contribute, if it were, perhaps, in a state of independence. The time will come for the colony to separate from the mother country. But, perhaps, that separation is not sought for merely in those quarters of Lower Canada which are in a state of revolt, but there may be the same feeling also prevailing in other parts of the colony where there is a greater predilection for the institutions of America. One Noble Lord has alluded to this separation in terms of eloquence which I cannot venture to imitate. That Noble Lord stated, last year, that a time would come when British colonies would wish to separate from them, and to such colonists they would be disposed to say, "We have protected you in your infancy, we have given to you institutions which you value,—but still, if you wish for separation, then follow that course which seems best adapted for your interests,—pursue that line which you are inclined to adopt; and may fortune attend you! But in separating from us, you will carry with you the recollections of the great men of England; you will remember with pride how they have distinguished themselves in arts, in science, and in learning; with you we are, perhaps, by blood connected, and by name identified: farewell, and remember the country that fostered you in your infancy."

> Jamque vale; — et matris serva communis amorem!

Allow me to say, that we should not anticipate the time for a separation taking place, nor should we be disposed to provoke it. I must say, that whenever a separation does take place from those loyal colonists, it ought to take place under circumstances that would induce them to become faithful allies. But, my Lords, what I have ventured to state, with respect to the British colonies, does not apply to the French Canadians. This class of men have been loyal subjects to the French King, and they have become, by conquest, subjects to this country, and their obedience is rather to be looked for from their regard for this empire; for, notwithstanding their predilection for old institutions, and their being free from the crimes and offences of the French Revolution, — and though these persons are under the influence of strong aristocratical feeling,—yet their antipathy to the British drives them into the contrary extreme, and they become the great advocates of republicanism. It does not appear that they are inclined to an union with the United States, as they cannot expect any advantage from them; and it is probable that such an alliance would lead to an invasion of those institutions to which they are attached; nor could they have that independence to which they lay claim. It is, I consider, most important to know from her Majesty's Ministers whether they are determined upon maintaining the control and dominion over those colonies; or whether they mean to anticipate the separation taking place at some time, if not at this very moment. I have no doubt I shall be told, that they are determined to resist separation. Then I may be allowed to say, that when they make the declaration of their being determined to maintain their control over the colony, they ought to evince the sincerity of their determination. They said they would maintain their dominion over the colony; and yet, not taking every means in their power to support their authority in that country,—and maintaining it, too, against any invasion that might take place, is a proceeding not at all reconcileable with their declaration. The Noble Duke has stated, that we are at war, and that it is impossible for this country to carry on a war upon a small scale. Now, I wish to know whether her Majesty's Ministers adopt that maxim? It is a question of the greatest importance, and one which every one asks, who is interested in the preservation of the colony, and to which every one wishes to receive an answer. The reply, no doubt, that would be given again, by her Majesty's Ministers, would be, "Certainly, we mean to carry on war, and not war on a small scale." According to the maxim of the Noble Duke, if I understand it rightly, the war ought to be carried on by as great a force as the resources of the country will allow, and I very much desire, that Ministers should declare the exact force which they destine for employment in Canada. I am very anxious that your Lordships should be acquainted with this, in connection with the state of the Canadian provinces, and of the possibility of collisions, not only with individuals from the American territory, but with the Government of the United States itself. On these grounds I beg to ask whether Ministers intend to adopt the proposition of the Noble Duke? And then comes the question whether an adequate force can be spared from this country? I think this is a consideration of great importance — whether the requisite amount of force in Canada is to be obtained by means of an addition to the army, or whether troops are to be sent from this country. I have heard, by reports which are current, that the Lord Lieutenant of Ireland thinks that he could spare a very large force from Ireland; but the question is, can that be done, in the present state of things, with safety? I do not know whether, in making such an offer, the Noble Lord has not over estimated the tranquillity of that country. I do not know whether the

> Dux inquieti turbidus Adriæ —

he who has the province of setting as well as raising the waves of civil commotion is so inclined, that the troops can with safety be spared from Ireland; I do not know whether that same person may not consider the time of their removal a convenient time, not for the commutation, but, for the total abolition of tithes,—that which he threatened your Lordships would be the consequence of your rejection of the former Bill;—a threat, too, which has been reiterated in this House, or, if not, distinctly intimated as the inevitable consequence, for which we should be prepared. I cannot think it would be prudent to withdraw that force, even if the measure should have the sanction of the Noble Lord, and even if he should think a much less military force, in Ireland, would be sufficient witnesses of the tranquillity which that country enjoys—the tranquillity of which we see so many specimens, in the events of which every post brings us intelligence, recorded in the *Gazette*, as proofs at once of the pacification of Ireland, and of the Noble Lord's discrimination, in giving rewards for the apprehension of various offenders. I think a reduction of force, in that country, would not be consented to, if at all, without great reluctance, by the Parliament of this country. Whether that should prove to be so or not, I must be allowed to say, that that is a point which must, if not on this occasion, yet very speedily, at least, engage the attention of your Lordships. In the remarks I am now making, nothing can be further from the feelings which actuate me, than the spirit of party violence. I cannot pretend to represent the opinions of others; I do only my own; but I believe a great proportion of her

Majesty's subjects, of extensive influence, and large landed and other property, do feel that there is a kind of incapacity in the present Ministers of the Crown, from which they desire to be liberated. I must confess, when I look at the high power and influence of the Noble Duke,—power and influence which were never greater than at the present moment,—I cannot help sometimes regretting that the Noble Duke and a Right Honourable Gentleman in the other House, do not take more active measures of opposition to the present Government. In moments of irritation and disgust, excited by the feebleness and irresolution of the advisers of the Crown, it is natural that I should lament the absence of that activity; but that has led me to remember, that those who are to incur no responsibility should not be too prompt to condemn. When there is an apparent infirmity of purpose,—when men declare they have a certain object to accomplish, and then show vacillation in carrying it into effect,—when they do that which has been done with respect to Canada, and also to this country,—then, I think, the only means of extricating the nation from its present difficulty is, to determine either upon bringing in a measure of conciliation, and proceeding to a settlement of the dispute in the present Session; or, if war is to be continued, then, if not dictating to Ministers, we ought to lay a respectful address at the foot of the throne, declaring to her Majesty, that if war should be continued, it ought to be prolonged on the extensive scale pointed out by the Noble Duke. This, I am sure, is the opinion of a majority of your Lordships; and, in all probability, an address of the kind I suggest is one in which the other House of Parliament would agree. But there remains one consideration — whether a force sufficient to hold the country could, in the mean time, be maintained in Canada, in the face of all those difficulties and dangers which assail it? There is an uncertainty and hesitation about the proceedings of Ministers, which little becomes the present conjuncture; and if there were not, it would not be expecting too much of Parliament that they should give them the benefit of their advice and direction. If that were withheld, this country might be plunged into difficulties so great, that even if the present servants of the Crown were to make a hurried retreat from office, and more worthy advisers were to be called to the councils of their Sovereign, it might be impossible to extricate our affairs. It would, then, be impossible to attain results so advantageous as might now be attained, by passing a measure of conciliation,—a measure that shall settle all disputes,—that shall protect the loyal, and curb only the ill-disposed; though I am confident that the conduct of the Noble and Right Honourable persons to whom I refer would be such as to entitle them to the respect of other nations, and the gratitude of their own.

The MARQUESS of LANSDOWNE.—My Lords, I took an opportunity of rising at an earlier period, but gave way with pleasure when I saw the Noble Earl about to address your Lordships, particularly as I did not mean to renew the discussion of the various topics which have occurred in former debates, but rose for the purpose of more particularly alluding to the only objection which has been stated by my Noble Friend, the Noble Baron opposite, both at the commencement and the conclusion of his speech. Before, however, I proceed to notice that objection, having had the advantage of hearing the Noble Earl's speech at length, I shall beg to take the opportunity of distinctly closing with him upon one or two, only, of the most material points on which he has insisted. I entirely concur with the opinion stated by the Noble Earl in the commencement of his speech, that it is on the ground of necessity alone that this Bill can be recommended to your Lordships. I entirely agree with him, that it involves an abrogation of the constitutional rights of the Canadians, to which, had those constitutional rights been exercised in a way that was at all consistent, I will not say with the safety and honour of this country, but with the safety and prosperity of Canada itself, it would have been utterly impossible for your Lordships to consent. I am ready to agree with the Noble Earl, that whatever difference of opinion may be entertained as to the course to be pursued, the manner in which it is enunciated is a matter of trifling importance; whether it be declared, as was once proposed in the preamble of this Bill, which, in compliance with the suggestions of others, has been withdrawn; or whether it be conveyed by instructions laid on the table; or in a message from the Crown; or expressed — as I think would be by far the most desirable mode, because the most important as regards its effect on the colonies, and on foreign states — in the declaration now recorded, of every man of any consideration, without distinction of party, in this and in the other House of Parliament, including, I am glad to find, the Noble Earl himself, — that necessity is the only foundation on which the Bill rests. It is admitted, as the consequence of that proposition, thus stated, — and it is evident, at the same time, from the language of those who have recommended this measure for your Lordships' adoption, — that when the necessity ceases the operation of the Bill ought also to cease. Far from its being the object of this measure to eradicate the principles of constitutional government in Canada, its object is to provide for their re-establishment, at the earliest period consistent with the admitted necessity of eliciting the opinions of the Canadians, and reconciling the differences of themselves, as to a new constitution adapted to the rights and feelings of the various classes of the population. At the earliest time which that necessity will allow, we shall be prepared to apply our minds, so assisted and so instructed, to the establishment of a free constitution, which will work for its own objects — replacing one which does not work, and which we have evidence on the table to show can never work satisfactorily at all. The Noble Earl having stated this doctrine, in which I entirely coincide, proceeded to put, what he no doubt considered to be an important question, judging from the earnestness of his manner and the length of the statement into which he entered, — a question to which I feel no difficulty in replying, — whether it is the intention of Government to retain possession of the colonies? Without hesitation I answer, that it is the intention of Government to preserve the colonial possessions of this country, and to govern them with a view to their preservation; nor do I know of any thing that has fallen from the lips of my Noble Friends who have spoken in the course of these debates, — nor of any thing which has fallen from a Noble Lord in another place, — which can lead the Noble Earl to entertain a doubt upon this subject. If it so happen that the Noble Earl's suspicions have been awakened in the course of these discussions, — if, by possibility, any apprehension has been awakened in his mind as to our withdrawing from a connection with the colonies, — the suspicion and the apprehension must have been caused, not by any thing that fell from my Noble Friends the Noble Lords on this side of the House, but they must have been occasioned by the opinions stated on the side on which the Noble Earl sits. No one on this side of the House has stated that he could fix the moment, — no one that he could possibly designate the period, — at which that withdrawal could advantageously take place; and my Noble Friend, at the moment that he declared it to be the tendency of all colonies in their progress towards prosperity, to attain a state in which, from the development of their resources, a connection with the mother country would be no longer desirable, — distinctly affirmed that no reasonable man could at present point out, or even anticipate, the time at which it would arrive. Why, then, ask her Majesty's Government if they anticipate such a period? Most clearly it would be inconsistent with their duty to act on the expectation of there being any such definite time; though, undoubtedly, they may participate with the Noble Baron opposite, with the Noble Earl, and, in fact, with every man who contemplates the progress of civilisation and the advancement of nations, in the supposition that there is a possible state of things in which a separation might take place, with benefit both to the mother country and to this colony, as it has taken place, I am ready to admit, beneficially for both parties, though under far different circumstances, in the case of the United States. But it is a Noble Baron opposite who seems to suppose that the period may be pointed out at which we might separate from the particular colonies in question, the northern provinces of America. I rather apprehend that no such theory has been propounded by any Noble Friend of mine. I do not think the Noble Baron can call upon her Majesty's Ministers to lay down certain principles of divorce, or a plan for future separation, by which they are expected to declare themselves; or to propose to Parliament to enact that there is to be a precise amount of population, a certain degree of education and civilisation, — or there is to be a certain quantity of trade, or a certain amount of revenue, — under which separation is to be adopted by both parties as necessary. I say, no such theory has been laid down, and most unwise would it be to attempt it. The Noble Baron — (quoting from a work from which he may well borrow, inasmuch as it is replete with maxims of the soundest practical wisdom, derived from a series of the most important events, an expression used in one of the Noble Duke's despatches) — said, that it might now be desirable in Canada, as it was once apprehended in the Peninsular, to go out like a gentleman through the hall door. I can only say, I do not think the hall door is thrown open for us by the inmates, or that if we opened it for ourselves, we could now make an honourable retreat. On the contrary, I maintain that our condition in Canada is such as to preclude us from making such a retreat, upon any principle honourable to ourselves or useful to others. I, for one, am not prepared to make it; I will not advise its being made; and, so long as the honour of her Majesty and of this empire demands it, no effort on my part shall be wanting to prevent separation. I say, separation under existing circumstances; because those circumstances would render it disgraceful to the country to abandon to themselves the population of her colonies at the present crisis. The theory of the advocates for separation, as far as has been laid down, supposes that the people of the country are themselves favourable to the dissolution of the connection with the mother country. But there is the strongest evidence that the feelings of the great majority of the Canadians, — not confined to the British population alone, but of the French inhabitants themselves, — are strongly opposed to the separation. Many of those who have taken part in the discussions in another place, have argued that the inhabitants of Canada are unanimously eager for a separation; but I am fully convinced that those who cherish such views at present form but an inconsiderable section of the population. If it be required to put forward any justification for that which has been termed a spirit of hesitation and delay in conducting these proceedings, it is, that that apparent delay has been caused by a sincere reluctance to have recourse to measures of constraint and violence. The manifestation of that reluctance has been attended, I know, with a very beneficial effect in convincing the great proportion of the Canadians that there is no desire on the part of the Queen's Government, but, on the contrary, the greatest unwillingness, to depart from a system of constitutional government; and that evils of every kind, even those attendant on delay, whatever they may have been, have been readily encountered, rather than that they should incur the false imputation of impatiently seeking to overturn the constitution of the colony. I repeat, that this policy of government has been attended with the very best effects; and that the moral interests of the French population of Canada have been, in a great degree, detached from those of the agitators and their immediate followers, who have made an exhibition both of their views and powers, that I trust will be followed by the subversion of any influence they may chance to have once possessed. Almost all the most respectable members of the French party have, for the last two or three years, kept aloof from the proceedings of the agitators, and many have displayed an increased attachment to the throne of Great Britain — they are men whose councils and whose influence cannot fail now to resume their sway.

It has been most justly said, that it is desirable, before passing a final judgment on the Bill, to be possessed of the latest accounts from the province; and I am happy to state that address after address has been pouring in from the French population who have taken no part in the revolt, expressive of their loyal devotion to the Queen's Government, and their abhorrence of those arts by which the agitators have seduced a portion of their ignorant countrymen to join the ranks of rebellion. I state, then, most distinctly, that it is the intention of the Queen's Government to uphold British connection. But the Noble Lord is not satisfied with this; he demands to know whether it is their intention to use the means necessary to carry this determination into effect. I have as little hesitation in answering this question as the other. Undoubtedly it is the intention of Government to use all the means that are necessary for the purpose of giving full effect to their determination. They believe that they have those means at their disposal; but, if they should prove to be mistaken, they would, with confidence, apply to Parliament to grant them, in the certainty that Parliament would not refuse to afford to the advisers of the Crown, — whether those who now discharge that high duty, or those whom the Noble Earl opposite might wish to see substituted in their places, — the power to carry on the contest upon a scale commensurate with its importance, and with its probable effects, — not only on the North American colonies, but on the disposition of other nations towards us, — for the purpose of vindicating the honour of Great Britain, and of proclaiming to America and to Europe, that, if there should ever happen a severance between this country and its North American colonies, it shall be the result of the free wish and mutual agreement of both parties, and not rendered degrading to the mother country by being forced on her by the intrigues of a paltry though restless faction, or the armed hand of rebellion. I think I have now answered the questions of the Noble Earl.

My Lords, I will now revert to the purpose for which I rose originally; namely, to notice the objection which the

Noble Baron has made to the Bill. That objection is, that whereas he considers it to be desirable to leave the Earl of Durham, as Governor of Canada, discretion to act with the House of Assembly as he may think fitting on his arrival in that colony, this Bill absolutely deprives that Noble Earl of any such discretion. Now I consider one of the great advantages of this Bill to be, that it does not leave to my Noble Friend any such discretion. I think it desirable that a change should be made in the constitution of that colony, and I should be sorry to throw upon my Noble Friend the odium which would be attached to him if he refused to convene the House of Assembly when he has the power to do so. Moreover, I think that the power of setting up that constitution, which has proved an entire failure, should not be left either to the House of Assembly, or to my Noble Friend. I have no hesitation, at the same time, in answering the question which has been put by my Noble Friend, by saying that, in one sense, certainly, my object is to hasten the period of the separation of the colony from the mother country,—in that sense which was admitted by the Noble Earl who spoke from the opposite benches,—namely, that whatever is done by England to promote the liberty, advance the interest, create the prosperity, and cement the happiness of the colony, does, as its inevitable tendency, hasten the period at which the colony must of necessity become independent. In no other sense ought the Government of England to promote the separation of her colonies from her authority and protection. In that sense, also, the duty which my Noble Friend the Earl of Durham will have to discharge in Canada, will be to see how far he can contribute to the same end, by endeavouring to reconcile the enmities which have unhappily sprung up out of the dissensions which have as unfortunately prevailed for the last ten years,—how far he can conciliate those differences of race and language, which at present render any attempt to erect the colony into an independent state not only undesirable, but hopeless, for its own tranquillity,—and how far he can bring and knit together those agricultural and commercial interests which are now opposed to each other, but which I believe to be—in Canada, as every where else—inseparably blended and connected with each other. The Noble Earl has stated grounds for hesitating to place confidence in the Government. It is not for me to judge whether his opinions are well grounded, or not; but if he feels deeply impressed with the views he entertains, I think it would be not less wise than just to embody them in a distinct motion, which it would be the duty of her Majesty's Ministers to meet, and let the result either give or totally withdraw from them the confidence of this House. If this were an earlier period of the debate, I might follow the Learned Gentleman who appeared at your Lordships' bar through what I must consider some of his misrepresentations of the circumstances under consideration, and more particularly should I have felt myself called upon to remark on the Learned Gentleman's observations on a Right Honourable Friend of mine, formerly Secretary for the Colonies. I beg leave to state, distinctly, that every single word which fell from the Learned Gentleman respecting the conduct and remarks of my Right Honourable Friend, on the occasion to which he so pointedly adverted, can be founded only on a complete oblivion — that the statement which the Learned Gentleman made to your Lordships from the bar must have proceeded from an entire want of recollection—of every thing that really did occur. If I were to go into a detail of what my Right Honourable Friend assures me he did say, I could show your Lordships that his assertion is supported, to its letter, not only by the speeches, but also by the writings of the Learned Gentleman, and most of all by his omitting to state what he has now stated, when discussing the subject elsewhere, on the occasion which naturally occurred as the fittest after the events to which they relate. But, at this late hour, as the subject has not been referred to in the course of the debate, I shall only state that I shall be prepared, at any time, to enter upon this point, however light the impression which it has made, or which, indeed, it could make, in this House.

LORD BROUGHAM.—When I reflect on the position which I have occupied in this House during all the previous stages of this measure, and of the proceedings connected with it in the last Session of Parliament, and compare it with the altered position in which I stand this day, I observe a contrast between the two which is at once very remarkable in itself, and, to me, pleasing and encouraging. I can no longer be said to stand here alone in denouncing this measure. I can no longer complain of being left unsupported in my opposition to its tyranny and injustice. I am no longer fated, alone, to have levelled at me, sometimes, the lighter missives of sarcasm and taunt, and sometimes the heavier artillery of statements, seldom, if ever, approximating to the shape of arguments. I, then, no longer am to have all launched at my single and unsupported head; for I now enjoy the gratification of knowing that I have lived to see truth make its way, and to find myself supported by some of the most respectable Members of your Lordships' House in what I should formerly have reckoned in this place, as it almost always was out of doors and in the other House of Parliament, the most hopeless part of my whole views. And if to be supported at all, — if to be supported in denouncing injustice, in defending the law, and in standing up for the constitution of England be grateful to me to-night, — and the more grateful it is, because it is new, — how is that satisfaction heightened when I find that, besides the respectability of those supporters in point of talents, experience, and character, who have lamented, as the one did, the arbitrary and unconstitutional nature of the measure; and who actually, as the other did, announced the determination to vote against it for its injustice, — but those two Peers have both descended from and bear the honoured names of the greatest luminaries of the law, — two of the strongest props of justice who ever adorned this country, leaving to their descendants a prouder inheritance than the titles which they won for themselves and their posterity, in their own inexhaustible love for the liberties of their own country, their fast adherence to its laws, and their abhorrence of injustice and oppression. I may well feel pleased with this change in my position. I shall now no longer be denounced, by sneers, as the partisan of rebels, nor, by implication, as the encourager of rebellion; no longer be charged as taking part with revolt, nor be designated, by plain implication, as something like Cataline, for that I had rushed out of the House, as the senator of ancient Rome rushed from the senate, after he had delivered himself of a long, and apparently, by its effects, an irritating and successful speech against the great orator of those times, — the Lord Glenelg of that day. Thus encouraged and protected, I may well persevere in denouncing the gross injustice of this measure, — a measure which outrages every principle of equity, — punishing the innocent with the guilty, — making no distinction between the wrong-doer and those who have aided in repelling him, — subjecting the whole province to the loss of its liberties, because a few parishes in a single county have attempted an unsuccessful rebellion; — thus punishing as well those who, instead of revolting, alone enabled the Government to put that revolt down, and without whose aid they never would have succeeded in putting it down, — punishing them with the same loss of their liberties, which it is said the Legislature has a right, in what is called the exercise of a just severity, to inflict on the rebels themselves.

But, my Lords, we are now told that the delay observable throughout the whole of these proceedings, which began in March, 1836, which continued in April, which ended in May,—a delay still perceivable in the month of June, and which may further be traced through the whole of the remainder of the year, — we are now told that this indecision and delay were not accidental, as some have presumed to imagine; that they were not unintentional, as others might suppose; that they were not arising from any defect in vigour and natural activity, as a third class of reasoners might fancy; that they were not attributable, as the Noble Earl opposite charitably surmised the other night, to an inveterate infirmity of purpose — an incurable habit of wavering and inaction —no such thing. It is all design, says the Noble Marquess (Lansdowne); it is all virtue, it is all system, it is all the consequence of that natural but invincible repugnance which my Noble Friend (Lord Glenelg) has felt, to enter upon any course which could be thought to savour of strong measures — of unconstitutional measures — of rash measures — of measures of severity to the colony; it is all because of his reluctance to encroach on the people's privileges — to suspend their constitutional rights. It may be so; there is nothing wonderful now-a-days. The longer one lives the less one wonders. It is just on the verge of possibility, that those who impeach and those who defend this vile measure — friend and foe, combatant, bystander, and looker on—have all been deceived and all mistaken the intentions with which her Majesty's Ministers have propounded it. Instead of a fault, the Bill may be a perfection; instead of being arbitrary and oppressive, it may be a mild, wise, and just policy, which dictates the present conduct of the administration. Is it so? It would be odd if it were true. Certainly nobody could have suspected it; and if my Noble Friend the President of the Council had not given the sanction of his grave and weighty authority to such a view of the matter, I should have been disposed to say — I will not use a harsh expression — that it was utterly impossible for any person of common sense to believe it, or of ordinary powers of face, to hear it proposed and keep his countenance. But if such reluctance is shown by these constitutional men to adopt harsh proceedings, ought they not to have been reluctant to pass the resolutions of last year? There was no hesitation then; they produced them on the 6th of March; and then, having once plunged, they were committed for ever. The time, it appears, for reluctance and delay was after all the mischief had been done. What is the fact? It is precisely three weeks back that they applied themselves vigorously to enforce the laws and to maintain justice; so that, from the argument of my Noble Friend, it would appear they were excessively harsh and violent, when they ought to have deliberated; and they were excessively slow, very reluctant, and most undecided, when they ought to have adopted a course bold, vigorous, and decided. I will venture to predict that the whole proceeding will be continued in the same style in which it commenced. If it were reluctance that was shown in the beginning, your Lordships may depend upon it that you will find the same reluctance continued to the end. The disinclination which has been felt to bring in the present measure will show itself in sending over so many thousand bayonets to carry it into execution. And truly, I now begin to understand why that which I before complained of has taken place. I asked, three weeks ago, how it happened, if it be necessary to send out a dictator to destroy the constitution of Lower Canada because some few parishes in it have been guilty of irregular proceedings, that, instead of going over immediately, the noble emissary delays so long in faring forth to the place of his destination, waiting, it is said, for fine weather, as if rebellion looked to the almanack — as if state affairs depended on the barometer — as if the assembling of parish committees, district committees, and central committees were governed by certain times and seasons of the year, as in ancient days, when there was a regular suspension of arms on the approach of frost, and the campaign was not renewed till the second or third swallow came hovering around the camp. That observance, even in war, having been long since dispensed with, I was at a loss to conceive why, in these critical and pressing negotiations, it should be thought necessary to go by the weather gauge. I was at a loss to conceive why my Noble Friend the Noble Earl (of Durham) was not to reach the seat of his government till the month of May or June. The light has now shone in upon me; I begin to comprehend it all. For surely, if her Majesty's Ministers feel a strong repugnance to this measure,—if they are afflicted with constitutional qualms on the occasion of its passing,—how much stronger must be the repugnance, how much more powerful the qualms of my Noble Friend, whose language has always been so much more decided than theirs in support of popular rights and privileges, and who is to enforce the tyranny that we only legislate? It is as plain as path to parish church that the reluctance in him who is to execute is much greater than in those who framed the Bill. He cannot be persuaded to go till he has tarried so long as to satisfy the people of Canada of his extreme repugnance to the mission; so that when he arrives there he will have made it manifest to all mankind in that province, that his consent has been wrung from him like gouts of blood to administer an unconstitutional measure, and for a harsh and tyrannical purpose. Now, I should little marvel were his qualms to get the better of him, and keep him at home. To return, however, to the real matter under the consideration of your Lordships. My Noble Friend (Lord Ashburton), who has been listened to, as he always is, in proportion as he deserves to be on all subjects, but on no matter more than this,—my Noble Friend differs from the Noble Baron sitting near him, in his opinion as to the course which ought to be taken with a view to the common object of settling these important matters of difference and restoring peace in Canada. My Noble Friend says, that the settlement cannot be effected in this country, but must be accomplished in the colony. Does not my Noble Friend perceive, that though his opinion may be sound in itself, it is not even the shadow of an argument in defence of the present Bill? My Noble Friend is supposing, if he does mean to use that argument in defence of the measure, that the present Bill gives the Noble Earl the full power of supplying, on the spot, the measures that may be found necessary to an arrangement. Nothing can be more wide of the fact. It not only gives him no such power, but it is not directed to that point of the compass. It is, indeed, directed to the diametrically opposite point, to the point of inquiry. Judging from what we have seen, we must conclude that the inevitable result of the measure will be, not settlement, but injury and delay. Instead of sending out Lord Durham to settle the question, the measure will leave it more unsettled than ever. The Act, not satisfied with leaving out full powers, positively ties up his hands. Whatever new powers he may possess, will be not only not authorised by the Act, but contrary to the Act, and such as he cannot receive legally from any quarter, nor execute without a breach of the law. His instructions are, "Inquire, inquire, inquire; report, report, report." It is one thing, therefore, to ask me to agree with my Noble Friend, who wants an emissary with full powers to settle the dispute on the spot,—for he says, the dispute should be settled on the spot, not here;—and quite another thing to call upon me to approve of this Bill, which gives no such powers, which ties up the hands, and which renders it totally impracticable for him, unless he violate the provisions of the Act, to settle any one of the questions, or smooth in any manner of way the thorny difficulties which beset his path. It is the mere inefficiency of this plan, the utter discrepancy which exists between the powers of the Bill and the object to be accomplished, of which I complained, when I last entered upon this painful, tiresome, and all but hopeless discussion. In order to make an end of the dispute, even on the principle of my Noble Friend opposite, — in order to the possibility of getting the question settled amicably and satisfactorily to both sides of the water, — it is necessary we should send a governor or negotiator with full powers, not only to treat, but to grant as well as treat. But here you are hardly giving even power to treat; you have told Lord Durham to inquire; and, also, comparing the speech of my Noble Friend the Colonial Secretary with the Bill itself, you have disclosed what your notions as to the speediness with which (the prescribed course being pursued) a settlement may be arrived at. How long does the Bill say Lord Durham is to be there, for the purpose of completing the inquiry? Two years. Two years, therefore, according to the framers of this measure, are the period during which inquiry shall last; and until the end of those two years, the Legislature of the mother country, which can alone adjust the question, is to be understood as not being in a state, or as having the capacity, to settle it.

LORD GLENELG. — Two years are the *maximum.*

LORD BROUGHAM. — My Noble Friend says two years are the *maximum;* but when I recollect the constitutional repugnance of the Noble Lord to all harsh proceeding, as displayed through these debates, and his habitual disposition always to do this on the latest possible day, I cannot but think that the *maximum* and *minimum* are likely in his case to be coincident quantities. But, again, I ask, in common justice and consistency, why should we punish a whole people for the offences or errors of a few? It is perfectly evident that the Executive Council contemplate no such measure as this: that is demonstrable by the quotation which has been read by the Noble Baron. Is the Bill, then, likely to work the purposes of conciliation? That question is answered already. Whatever information Government may wish to have — whatever further knowledge they may desire to obtain by the intervention of Lord Durham, for two years or two months, on this head, — no further inquiry, no further knowledge is necessary upon this point. Unhappily, we know by anticipation the fruits this Bill will produce, by the fruits of the resolutions of last May. If the resolutions taking the power of the purse, seizing the strong chest, and spoliating the money of the Canadians, because they, exercising the right we gave them, refuse to give it up voluntarily themselves — if they produce first discontent, then disaffection, then revolt, and then actual rebellion, (and who will have the hardihood to deny that all these things are the consequences of these resolutions?) can it be believed that this Bill and the resolutions are mere water compared with the drug which you are now commending to the same lips — can it be expected but that this Bill, which carries the principle of these resolutions a thousand times further — which sends out a dictator, with a commission to rule over the inhabitants, without a single representative, without check or control in the body of the colony; — that this most nauseous potion will be swallowed by those who turned with disgust from the well water of the resolutions? Good God! does any man profess to be sanguine enough to maintain, for a moment, that whereas the former resolutions occasioned revolt, the present Bill — I will not use harsh language, nor will I pretend to prophesy — the present Bill, of all measures, will be found to pour balm into the wounds which are rankling from the sore infliction of the resolutions of last May? I shall be grievously disappointed if my Noble Friend ever proceeds to Canada on such a mission and with such powers, with his hands so tied up as they are by the present Bill,—powerful only to hurt and to annoy and to insult; but impotent to heal or to soothe. Grievously, however, as I shall be disappointed if my Noble Friend consents to go forth on such an errand, — as an angel of wrath and with no healing in his wing, — I own I shall not be disappointed, although I must feel hurt (as who will not?) if the consequences of the measure with which you are following up the resolutions that began the mischief, are such as we shall all have occasion most deeply to deplore. The Bill seems framed as if to prevent my Noble Friend from exercising any power. I will give your Lordships an accurate, though it will be a compendious, sketch of the measure. My Noble Friend is to make for the colony, laws in a council of his own choosing; he is to make laws for the colony, but those are to be such as the Canadian Assembly, whose functions are suspended, would have been entitled to make if this Bill had not passed. One of the restrictions on the power of the Assembly, a restriction imposed by the Act of 1791, is, that no law can be made by the Colonial Legislature which is repugnant to or inconsistent with the Act itself. Consequently, here is one fetter. My Noble Friend cannot make any law not consistent with the Act of 1791. I presume that this fundamental but most restrictive provision of the Bill is intentional. I know that it has received the consideration of a most accurate and experienced lawyer; and with the professional resources at the command of the Government, I have no doubt they have taken care that the Bill be so framed as to accomplish the objects which they have in view. But this is not all: my Noble Friend is not allowed to make any law that trenches on any Act of the Imperial Parliament or any Act of the Canadian Legislature, nor has he the privilege of repealing or altering any Act of either British or Colonial Parliament. Your Lordships will recollect the lumping description of the powers of legislation which my Noble Friend, the first time he addressed your Lsrdships on the subject, informed you he was to possess; he professed that he was to enjoy an extent of power such as had never before been conferred on any man; but, instead of having more than ordinary powers, I doubt if ever a man was sent before on such a mission with such retrictions and with so little power. There is very little to empower, but very much to tie up and restrain, from the beginning to the end of this very singular Act of Parliament. Then follows a whole list of exceptions as to money, as to electoral districts, as to the right of voting, as to the functions of the Assembly, as to the time and mode of calling it together, even as to dividing the unions of parishes, and counties, and districts, for the purposes of elections; with respect to all these subjects the whole of this ground is tabooed against Lord Durham's powers, — those high, ample, unparalleled powers, as he fondly believed them to be, and somewhat grandly described them; and Lord Durham is to be confined, trammelled, and cooped up within the simple narrow sphere to which I have already directed your Lordships' attention: — in truth, to see, and examine, and report. But there is another point to which I must allude. The laws which Lord Durham may make are to last, according to the provisions of this Bill, not till 1840, when the constitution is to be restored, but for two years afterwards, till 1842. This question then arises, which, I hope, has been well considered and can be clearly announced:—What will be the relative positions of Lord Durham and the revived assemblies? Will the revived assemblies have the power of repealing or altering the ordinances of Lord Durham during those two years? I have read the Act without being able to form a satisfactory opinion whether those ordinances might be repealed or altered by the Assemblies when their suspended animation ceases, and when they come into life again in 1840. It rather seems as if Lord Durham's laws should continue in force four years and a half, that is, till 1842; but there is no provision of this nature, "unless altered or repealed by the Assemblies."

I look on this measure as carrying within it, not the promise or earnest of peace and the chance of conciliation, but rather the seeds of war. I am not, therefore, very nice in examining its features, in surveying its lineaments, in looking to see whether there is any particular symmetry, or any great consistency, in the structure of its parts. I cannot help thinking, however, that when another infant, the origin of an Iliad of woes, was produced to the gossips of Troy, and when they looked on the interesting babe, they must have found much more beauty in it — (which is said to have afterwards been a compensation for all they had suffered) — than our gossips in these days, the three Presidents,—he of the Council (Lord Lansdowne), he of this House (Lord Cottenham), and he of the Board of Trade (Mr. P. Thomson), are likely to do when they come, as I hope they will, to-morrow, to survey the offspring they are now ushering into the world. The symmetry, the consistency, and harmony of its parts will be found by no means remarkable. I shall offer no amendment. I take no interest in the bantling whatever; I view it with abhorrence; I regard it with feelings of disgust; I consider it a hateful progeny; I will lend it no helping hand whatever: if I did, I believe I should receive no thanks from those nearly connected with it. I will examine it no further; but I am satisfied of one thing — if its long delay had been lengthened out still further, it would have been happy for this country, and happy for the colony. But I hope, before it is finally assented to, its features will be compared with the views I have just now flung out, in order that the other mischief may not take place to which I have shortly adverted, of not only sending out this measure with all its faults on its head, but stirring up a legal controversy, raising doubts and difficulties in respect of legality, to make our other proceedings still more intolerable. The Noble and Learned Lord opposite (Lord Ashburton) alluded to the policy and wisdom of establishing colonies at a time when the exclusive system of foreign powers shut out this country from commercial intercourse with their colonies. This is a subject to which, in early life, I have paid very close attention, and it has always been my opinion that the system of colonising is highly favourable to commerce and national improvement in a certain stage of society. I hold the planting of colonies to be in the highest degree politic and wise in a commercial state, not merely in times when all other nations are doing the same thing, or adopting an exclusive system, and preventing you from commerce with their colonies, so as you can have no share in the colonial trade unless you have colonies of your own, — but also as an outlet for, and a stimulant to, industry, in early periods of society, when those stimulants and outlets are so few.

There is another and a most important benefit which colonial possessions confer upon a nation. The estates acquired there by the inhabitants of the mother country add, incalculably, by their revenues brought over, to the wealth of that parent state. Men, in their youth, go to push their fortune in the colony; they succeed; they acquire property there; they return to their native land; they continue to draw their income from their colonial estates; and they acquire landed property at home, generally unimpaired, which they cultivate with their colonial wealth. This intercourse is chiefly, and, indeed, almost entirely, maintained in the case of such colonies as the West Indian Islands, for our continental possessions in North America have always attracted emigrants who permanently change their abode, and on leaving their homes for the New World never think of returning to the Old. But the influence of West Indian wealth upon the resources and the improvement of this island is very manifest. You shall go to certain districts, especially in the north parts of Great Britain, where, by the very names of the seats and the farms, you can distinctly trace that the capital which has cultivated those valleys, and covered the once barren heath with crops and with gardens, was derived from the plantations of the Antilles, or from the specie of South America. The advantages of such establishments are very different from those derived from colonies like those of North America, where there is no interchange of population, no non-resident proprietors; and where, consequently, the benefits are confined to commercial intercourse. The West Indian colonies are, for the like reasons, never likely to become independent, nor is it very likely to prove for our advantage that they should be. It is far otherwise with continental settlements,' like the United States, or our remaining North American territories. These could not, in their earlier stages, exist without our support; and in our earlier state of society and of traffic, their dependence is of great value. But when the interchange of produce and manufactures furnishes those stimulants in plenty, — when the colonies we have established are capable of standing alone — when they are fit for the task of self-government — when they can do without our aid, as happily by the eternal decrees of Providence, in the course appointed for art as well as nature, and society as well as art, we can also do without them, the two purposes of each happily coinciding — the one being able to leave our care, and we able to carry on our commercial and other concerns without their aid — then it is, that we reap the richest harvest of all our former pains and tuition; for then we secure a natural ally — a natural market — a people whose circumstances are such that they want what we have in superfluity, and produce in superfluous abundance what we want — the best definition of market profitable for both parties; and, above all, they, having the same blood and origin — the same constitutional laws — the same language — the same manners, will be more or less our natural friends, our natural allies, and our natural customers; from those physical and moral relationships, those natural ties which no severance of mere political connection can ever cut through or relax. It is the great benefit of colonial establishments that, in different degrees and kinds, during their infancy, they help us as well as we help them, and, in their maturity, when separation becomes inevitable, the two independent states continue to help each other, in an increased proportion. See the prodigious increase of our intercourse with independent America, compared with that intercourse during our former political and proprietary empire over it! But let us remember that all these great advantages, for a long course of years at least, may depend on the temperate manner in which we quit the partnership, and the feelings in which the long subsisting tie is severed. If those feelings are of animosity, — if wounds are left rankling on both sides,—then we can no longer expect anything like the natural, and, in all other circumstances, what under the dispensation of a wise and just policy should be the inevitable, advantages of the future intercourse with the newly independent state. My prayer is, that we may so order our policy with respect to North America, as, when the hour of separation does arrive, — and sooner or later, by common consent, come it must — we may be found to have done nothing that shall leave wounds to rankle, but that the relation of colony and mother country — the relation of temporary dependence and sovereignty, on either hand, ceasing in the course of nature, other relations may be substituted of one free state with another,—not enemies, but friends,— and in the honest emulation of rivals, running together the great race of social improvement, with an emulation which the high descent of the new state makes her worthy of sustaining with the old.

VISCOUNT MELBOURNE. — I am perfectly ready to admit that it is never too late to stop short of injustice; and most assuredly, if it can be proved that the charge of injustice is attachable to the Bill now waiting its third reading, I should think it by no means too late to pause in the career on which we have entered, or at once to alter my course. But unless it be proved to be an unjust measure, — unless it be unanswerably shown that what we are going to do is, as it has been over and over again characterised by the Noble and Learned Lord, iniquitous and impolitic, — your Lordships will hardly deem it consistent with the interests of this great empire, or tending to have a good effect upon that which is now taking place in Canada,— now, at this moment of time, and at this season of the Bill,— to stop short and refuse to proceed with a measure which has received the sanction of an overwhelming majority in the other House of Parliament, and has arrived at its last stage in this House, without a dissentient voice hitherto raised against it, except that of the Noble and Learned Lord, until suddenly a new objection, raised on somewhat new grounds, has sprung up on the present occasion. I, however, cannot but consider that all those who have enlarged so much upon the dangers arising from past delays must at once acknowledge that Government would fail greatly in its duty if it were now to consent to alter its well-considered course in a matter of such vast importance, and to which the eyes of all persons, whether in America or in England, are anxiously directed. So far from being chargeable with injustice, the measure now before your Lordships appears to me as thoroughly consistent with every principle of equity as any I have ever known; and that it is a just and necessary measure is clearly shown in the speech, and by the facts stated and admitted in the speech of the Learned Gentleman who appeared at your Lordships' bar as the advocate of the Canadians. That speech was one of considerable power, of considerable talent and eloquence, — an eloquence, indeed, not of the most soothing, or winning, or persuasive character, or best calculated to move the favourable feelings or win the affections of those who heard it,—but it was, at the same time, altogether, the speech of an advocate, omitting all enlarged views of the subject, and exhibiting only those narrow principles upon which he founded his case. The Learned Gentleman went through various statements of the laws made, the proceedings adopted by the Assembly of Lower Canada; but he omitted to make mention of any of those circumstances which render it impossible that the wishes of the Assembly could be carried into effect. He, however, admitted it to be quite true, as has been stated in the resolutions of the Imperial Parliament, that the House of Assembly have refused the supplies. The Learned Gentleman most readily admitted, over and over again, that for two years, "only two years," the Assembly have refused supplies, — speaking of it as if it were nothing that, for two whole years, the entire course of public business should be stopped, the administration of justice prevented, the salaries of the judges and other civil officers refused, the means of education withheld, the roads unrepaired, the whole service of the colony, in short, unprovided for; as if this were a matter of no sort of importance, and of whi ch o notice was to be taken. The Learned Gentleman's condemnation of the Legislative Council is one in which, on the sound general principles, I must concur; but the constitution proposed by the Learned Gentleman at the conclusion of his speech went to give entire independent power to the Legislative Assembly, as at present constituted. It is clear, however, even on the Learned Gentleman's own showing, that the present state of things in Canada cannot go on, and that it is essential for some measures to be taken for the better administration of the government of the colony; and the most advisable preliminary step appears to be that which has been determined on, —to suspend, for a time at least, the present constitution of that colony. It has been said, by Noble Lords opposite, that the revolt is not a sufficient ground for the Bill. I fully admit that revolt — that resistance—is not in itself a sufficient ground; but the whole working of the constitution, for the last four or five years, followed up and consummated by the rebellion, is ground sufficient for the Bill, and to manifest that it is fraught with no injustice. The Noble and Learned Lord has asked, will you punish a whole province for the faults of a few parishes? The answer is, that there is no punishment in the case. It may be an evil to have an arbitrary government established over them for a time, — it may be a great evil to separate from the mother country; but it is a much greater evil to exist for so long a time without any government at all; and her Majesty's Ministers hold themselves bound in duty not to allow such a state of things to remain; and they fully believe that the measure they have framed will be accepted as a boon by all the thinking and well-disposed men of all parties, and by all the inhabitants of the province. A Noble Lord opposite has given it as his opinion, arguing on what has passed before, that this Bill will not be well received by the settlers of English descent. I have no reason to expect this to be the case; I fully believe that the measure will be acceptable to all parties.

The Noble and Learned Lord near me has complained that the powers intrusted to the new Governor are restricted in their character. I should have rather expected the complaint to have been the other way, —that the authorities given to him are too extensive, are tyrannical, and despotic; but, notwithstanding the Noble and Learned Lord's view of the matter, I confidently believe that the powers intrusted to the Noble Earl (the Earl of Durham) will be found fully adequate to the purpose; and though, unquestionably, he does not go out with those powers absolutely to settle, finish, and arrange,— yet he has means sufficient to enable him efficiently to prepare matters for the final and complete arrangement of the affairs of the province. The Noble Lord opposite has gone much into the general question of colonial policy, and of the prudence of considering closely the advantage which colonies are to the mother country; and as to the wisdom of looking forward to the separation, at some future time, of such colonies. There may be some sagacity in the remarks which have been made on this point, but I have some doubts as to the propriety of making them on this occasion. It is extremely doubtful policy to hold out temptations to separation on every trifling event, on every slight quarrel, on every small difference; and it must be recollected that, however this may be considered in a commercial or political point of view,— recession,— the drawing back, the contraction of territories, is no trifling matter. It has never been found to be so. The boundaries of an empire may easily be pushed too far, and it may be difficult to maintain them; but the drawing them within a smaller limit has never redounded to the credit or the safety of an empire. The Noble Lord has said that all nations have parted with colonies at one time or another, and it is true that this country has, at various periods, lost great foreign possessions, while her greatness has survived the loss; but still it is impossible to deny that the deprivation gave us, at the time, great shocks. The voluntary parting with the colonies is quite a novel idea. The separation of the United States from this country has been adverted to by the Noble and Learned Lord, who states that the grandeur and power and prosperity of this country has not suffered by the event. Perhaps such is the case; but, at the same time, it is quite impossible for us to decide what would have occurred had that event not taken place, and we had still maintained our dominion over those states.

It is well known, however, that the war with those colonies cost us a great deal of blood and treasure, and some loss of reputation; for it is supposed that the war was not very well conducted by our officers, though our soldiery never more highly distinguished themselves; but still it cannot be shown that we should have stood better if we had given way at the time the declaration of independence was made, instead of carrying on the war to its close in the manner we did. The Noble and Learned Lord has said that every thing, in these cases, depends on the temper of mind, the tone of feeling, with which we quit partnership with our separated colonies; yet, although the tone of feeling in which we parted from the United States was none of the most affectionate, our intercourse with those states most rapidly and largely increased after the separation. These are speculations, however, in which it is better not to indulge; it is our duty to maintain the territory, the possessions which we hold; and I believe that we shall be fully able to do so, not merely by force of arms, but by the good will, the friendly feelings of the inhabitants of those countries; and I have no doubt but that, when peace and order are restored in Canada, means will be promptly found for cementing the union between that province and the mother country, by acting on those principles which it would be absurd to depart from, of considering the local nature of the case, the character of their government, and acting strictly on the principles of constitutional liberty and freedom.

EARL FITZWILLIAM.—My Lords, I much fear that this measure will be the forerunner of greater difficulties than the Government appears to anticipate; but if any individual be more particularly qualified than another to meet the exigencies of the case, it is the Noble Earl who has been selected by the Government. If the resolutions of Parliament last year were received with such disgust in Canada, even as is acknowledged by the friends of the connection with this country, what must be the effect of this Bill when it reaches the colony? My Lords, I do not like the words "French party," or "English party;" but it is well known that many of the latter party have taken the side of the former. I feel it to be impossible to acquit this Bill of being a measure of great injustice towards Canada. For it seems to me to be extremely doubtful whether, after the passing of this Bill, it will be practicable to reconstruct a free and constitutional Government in Canada. I am persuaded, my Lords, that the authors of the measure will be disappointed in their expectations of success. When I use the term "authors," I do not mean merely my Noble Friends, but the people of England, who seem to have rushed with an incredible blindness into the opinions which they hold upon this subject. Under these circumstances, regretting as I do to vote against the Noble Lords who now occupy the Ministerial bench, I cannot satisfy my conscience if I had allowed the Bill to go to a third reading without briefly expressing my sentiments upon it. I cannot but fear that we shall have all the scenes of the American war acted over again; that we shall experience the same Iliad of woes that were experienced between the years 1768 and 1782; and that we shall come out of the contest weakened, and, in reputation and every other respect, materially injured by the struggle.

The Bill was then read a third time, and passed.

LORD ELLENBOROUGH.—I wish, my Lords, to propose an amendment, providing for a very possible case, namely, that when the Bill arrives in Canada it may be found that the Legislative Assembly has been dissolved,—an event which accounts from that country shows to be by no means improbable. In that case the Governor will go out and find that he is unable to obtain that aid and advice which it is in contemplation he should receive. I propose, therefore, a proviso to the effect that "if on the arrival of the Act in the colony the Legislative Assembly should be found dissolved, and a new Assembly called, or if after the arrival of the Act in the colony it should be thought expedient by the Governor to dissolve the Assembly and to call another, it shall be lawful for him to do so, and that the proclamation of the Act shall be postponed until it be the pleasure of the Governor to order it to be proclaimed." To me it appears to be perfectly impossible so to alter the character of the several districts in Lower Canada, as to prevent the Assembly from representing the French party; and I am persuaded that it will be quite as impossible two years hence as it is at the present moment. It is evident that the object of Government is that no Lower Canada Parliament shall ever meet again. Their intention, evidently, is to endeavour to effect a union of the two provinces. I am sure, however, that in that attempt they will fail. They will then be driven to call a Parliament in Lower Canada again; and if they find such a Parliament unmanageable at present, how much more so will it be after the passing of this Act? In fact, it will become impossible.

LORD GLENELG. — With regard to what has just fallen from the Noble Lord, I beg leave to deny that it is the intention of Ministers to prevent for ever the meeting of the Parliament of Lower Canada. I must protest against the justice of such an imputation. Nothing of the kind has ever been in the contemplation of Government. In my opening speech on this Bill, I stated that whatever speculative opinions might be entertained on the subject of a union, it was evident that there were great difficulties and objections in the way of such a measure. I have never contemplated such a step, unless it should appear to be the desire of both the provinces. I especially wish to guard myself from the notion of ever entertaining any such intention, except the minds of the inhabitants of both provinces shall lead us to incline to a junction. I can, therefore, assure the Noble Earl that the intention of her Majesty's Ministers is, not to unite the two provinces, but to effect such changes in the constitution of both colonies as may enable each to be better governed.

LORD ELLENBOROUGH. — I repeat, that if it be intended at some time or other to call together a Legislative Assembly in Lower Canada, it will be impossible to take such a step advantageously after the passing of this Act. It is useless to cherish a hope that under such circumstances any lapse of time shall render it practicable to call such a Legislative Assembly together; for during the whole interval, every means will be used to irritate the feelings of the people of Canada. They will be operated upon internally, and they will be operated upon from without. Persons from the United States will be constantly at work among them, endeavouring by every possible means to excite them in a way that must terminate in rebellion. From the first time I heard the statement of the Noble Lord (Lord Glenelg), on bringing forward this question, I differed from him as to the justice of the Bill, and every thing I have since heard has confirmed me more and more in my opinion. I feel I have done my duty in stating my sentiments on the subject. I may be wrong. Considering to how large a majority I am opposed, the probability is that I am so; but being myself persuaded that the measure must fail, I am bound to express my opinion to that effect.

The clause was then negatived; Bill passed, and sent to the Commons.

PETITIONS.

Postage.—Petition for reduction of the rate, — of the mayor, aldermen, and burgesses of the town of Nottingham. — Read, and ordered to lie on the Table.

National Education.—Petition in favour of, — of Protestant dissenters of Presbyterian denomination in the county of Chester. — Read, and ordered to lie on the Table.

PAPERS.

Account of the total revenue derived from taxes within each of the North American provinces, in each year from 1832 to 1836, both inclusive; specifying the taxes, and whether the same were imposed by Acts of the provincial or of the Imperial Parliament. — Delivered (pursuant to order of the 23d of January last), and to be printed.

Adjourned.

HOUSE OF COMMONS.

PRIVATE BUSINESS.

Twyford and Theale Road. — *Midland Counties (Mountsorrel) Railway.*—*Ramsgate Improvement.* — *Wickwar (Gloucester) Inclosure.* — Petitions for Bills severally referred to the Select Committee on Petitions for Private Bills.

The following Bills were severally read a first time, and ordered to be read a second time; viz.: —

Notting Hill Footway Bill, — " to divert or alter a certain footway across the Notting Hill Farm, in the parish of Kensington, in the county of Middlesex."

Wibsey and Huddersfield Road Bill, " for more effectually repairing and maintaining the road from top of Odsall, near Bradford, through Wibsey Low Moor, to Huddersfield, in the West Riding of the county of York."

Ogley Hay (Stafford) Inclosure Bill. — Read a third time, and passed.

Petitions for Private Bills Committee.— Power to send for persons, papers, and records.

PUBLIC BUSINESS.

SALFORD BOROUGH ELECTION.

House informed that the select committee appointed to try and determine the merits of the petition of William Garnett and others, whose names are thereunto subscribed, electors of the borough of Salford, claiming to have had a right to vote at the last election for a member to serve in Parliament for the said borough, complaining of an undue election and return for the said borough, have determined, —

That Joseph Brotherton, Esquire, is duly elected a burgess to serve in this present Parliament for the said borough of Salford.

That the petition of William Garnett, Esquire, and others, did not appear to the said committee to be frivolous or vexatious.

That the opposition to the said petition did not appear to the said committee to be frivolous or vexatious. — To be entered in the Journals.

CANTERBURY CITY and LONGFORD COUNTY ELECTIONS.

House counted; 341 Members present; parties in the case of the Canterbury and Longford elections directed to be called in, and no parties appearing in the case of the Canterbury election, orders for considering petitions of Henry Plumptre Gipps, Esquire, and Charles Sharpe and George Gorely, electors, read, and discharged. Petition of Barry Fox and others, freeholders, complaining of the Longford election, considered; names of Members drawn, and the number of thirty-three names being complete, the list was delivered to the parties, who then withdrew.

MISCELLANEOUS PETITIONS.

The following petitions were severally presented; namely, —

Highway Rates Bill, — By Mr. BARRON, — from Ideford, against.—Referred to the Select Committee on the Bill.

Postage, — For the establishment of a uniform low rate of postage, — from Annan and Bradford. — Referred to the Select Committee on Postage.

Ballot, &c. — Petitions in favour, — from Brixham, Kircudbright, and Park Lane, Winwick.

Negro Apprenticeship, — By Mr. GILLON, COLONEL ANSON, and other Honourable Members, for abolition of the system, — from Ridgmound, Cannack, Dartmouth, Penrith, and Kilmarnock (chairman of a meeting).

Post Horse Duties, — By SIR GEORGE STRICKLAND, for repeal of, — from Leeds, Dewsbury, and other places, and mail coach contractors, &c. on the Great North Road between London and Edinburgh.

Church Commission (Scotland),—From Falkland, complaining of the decision of the commissioners with regard to that parish.

Marine Insurancies,—From Dartmouth, for repeal of the duty thereon.

Sale of Beer Act, — By Mr. POULETT SCROPE, — of guardians of the Axbridge union, for amendment.

French Claims, — By Mr. WILLIAM MILES, praying that no claimant may be admitted upon the fund now in hand, until the persons whose claims have been adjudged in their favour shall be paid the full amount due to them, — from John Phillips Beavan, and Preston Edgar.

Innkeepers,—By Mr. POULETT SCROPE, —from Stroud, for the amendment of the law relating to innkeepers. — To lie on the Table.

Rating of Tenements Bill, — Of guardians of the Penkridge union, in favour. — Referred to the Select Committee on the Poor Law Amendment Act.

French Claims, — Of Robert Bruce, complaining of his claims not having been liquidated. — To lie on the Table, and to be printed.

Universal Suffrage, &c., — By Mr. BAINES and Mr. HUME, in favour, —from Holbeck (Leeds), and Dundee.

On presenting the above petition from Dundee, —

Mr. HUME said: — This petition, Sir, is signed by 5000 persons, who express their deep regret at the recent declaration of Ministers, made by the Noble Lord the Secretary of State for the Home Department, against further concessions in the way of reform — a declaration which, coupled with their conduct towards the Canadians, has lost them the entire confidence of the petitioners; and they pray the House forthwith to grant universal suffrage, the vote by ballot, shorter Parliaments, and a more equal distribution of the elective franchise.

Brick Duty. — Mr. BAINES. —I have the pleasure to present a petition from certain Protestant Dissenters in Yorkshire, who petition the House on a subject of very great importance. They state, Sir, that they have lately erected a chapel for the performance of their religious worship; and they pray, not only that they may be allowed a drawback on the materials used in that erection, but that in future there may be no charge made in the way of duty on articles used in the erection of places of public worship. I am not certain whether the first part of the prayer of the petition, as it refers to a grant of the public revenue, ought not to have the preliminary consent of the Crown. Upon this point, however, I am, of course, in the hands of the Chair.

The SPEAKER, — The Honourable Member having appealed to me, I can only state my decided opinion that this is clearly a case in which the consent of the Crown must be given; and that if such assent is not signified the petition must be withdrawn.

Mr. BAINES. — I presume that if the Right Honourable Gentleman the Chancellor of the Exchequer, who is present, will give his consent to the reception of the petition, the difficulty may be got over.

The CHANCELLOR of the EXCHEQUER.—I certainly can do no such thing; for if the prayer of the petition is complied with, the door would be opened to endless applications of a similar nature.

The petition was then withdrawn.

RETURNS, &c.

Tithes (Ireland). — On the motion of Mr. LUCAS, a Return was ordered —

Of the gross number of persons rated to the payment of tithes in Ireland; distinguishing the gross number of persons rated to the payment of more than five shillings per annum, from the gross number of persons rated to the payment of less than five shillings per annum.

CHURCH RATES.

Mr. THOMAS DUNCOMBE.—Seeing the Right Honourable Gentleman the Chancellor of the Exchequer in his place, I wish to put a question to him on a subject which engaged much attention last Session, and on which the public are now getting anxious for some information; —I allude to the subject of church rates. I wish to ask my Right Honourable Friend whether it is the intention of her Majesty's Ministers to proceed at once, by the introduction of a Bill for the abolition of church rates, or whether it is their intention to revive that most desirable inquiry as to the manner in which church leases are granted and renewed, which was commenced last Session, and abruptly terminated by the demise of the Crown?

The CHANCELLOR of the EXCHEQUER. — At an early period in the present Session, a similar question was addressed to my Noble Friend the Secretary of State for the Home Department, and I have great pleasure in repeating the answer he then gave. It is the intention of her Majesty's Government to move the re-appointment of the committee to which the Honourable Member alludes, and to found whatever enactments may be necessary upon the recommendations of that committee, after it shall have entered into a full and extended inquiry into this very important subject.

BUSINESS OF THE HOUSE.

Mr. GOULBURN. — I beg to ask my Right Honourable Friend what course he means to pursue in reference to the business for to-morrow evening, and whether it is probable we shall be called upon to proceed with the parliamentary Electors Bill?

The CHANCELLOR of the EXCHEQUER.—In answer to my Right Honourable Friend I have to state, that after the committee on the Irish Poor Law Bill to-morrow evening, it is proposed taking one or two of the votes in supply, on which no discussion is likely to arise. There is, therefore, little likelihood of the House being called upon to-morrow to proceed with the Parliamentary Electors Bill.

LONGFORD COUNTY ELECTION.

Parties being returned to the Bar, the reduced list was delivered in, and the same was called over, as follows: — Mr. Cayley, Mr. Alexander Ellice, Sir James Colquhoun, Mr. Farnham, Mr. Chaplin, Mr. William Williams, Mr. John Henry Seale, Mr. Master, Sir Robert Ferguson, Mr. Speirs, Mr. Henry Marsland; committee sworn.

LINEN TRADE, &c. WITH FRANCE.

LORD ELIOT. — I wish to know from some Member of her Majesty's Government whether it is the fact that the French Government have increased the duties on linen and linen yarns imported from this country?

Mr. LABOUCHERE. — I have but to repeat the answer given by the President of the Board of Trade, in reply to a similar question on a former evening. It is undoubtedly true, that there is every appearance of the French tariff of duties in respect to linens and linen yarns being increased. The matter has not escaped the attention of the Government, and no time has been lost in addressing the French Government on the subject; but I am bound to add, I have no reason to believe that there is, on the part of the French Government, any disposition to accede to these representations.

Mr. HUME. — I wish to know whether the Chancellor of the Exchequer has it in contemplation to reduce the duty on French Brandy? England imposes a duty of from 600 to 700 per cent. on this article of French produce, and yet objects to France imposing a duty of but 100 per cent. on her manufacture.

The CHANCELLOR of the EXCHEQUER. — No such reduction of duty is at present contemplated.

CHARITIES (IRELAND).

Mr. BARRON. — In pursuance of my notice, I rise to submit to the House my motion respecting the Board of Charitable Bequests in Ireland. From the number of its members, the variety of their engagements, and their responsibility, the present board is quite incompetent to the discharge of its important duties. The board consists of judges, archbishops, and bishops. What would be thought, if the judges of England were expected to discharge such a duty? The ecclesiastical dignitaries are equally incapacitated by their other avocations, and some of them are necessarily absent from Ireland during a great part of the year. The consequence of all this is, that the management of the charities of Ireland is much neglected. Another objection to the existing board is, that it is of a religious character. It consists exclusively of Protestants. It therefore does not possess the confidence of the Roman Catholics of Ireland, who, consequently, conceal from it the nature of their charities, consisting of nineteen out of twenty in the whole country. To so great an extent is this feeling carried, that the Catholics are accustomed, during their lifetime, to hand over large sums of money to be distributed by individuals, instead of giving them to charities or placing them in the hands of trustees. In the year 1809 a relation of my own, for these reasons, handed over the sum of 10,000*l.* to four or five individuals, with merely verbal instructions as to its distribution; and, at this distance of time, it is impossible to know whether the sums of money so handed over have been properly applied. This is a great grievance. Another objection to the board is, that it is not responsible to the public; nor has it any adequate power to inquire into the charities of Ireland, as it ought to have. The board is of opinion that the only power they have is, to apply to a court of equity. The result is an enormous expenditure, in consequence of which, in the case of smaller charities, the whole of the funds are actually swallowed up in endeavourto get at the charity; and that which was intended for the benefit of the poor passes into the pockets of the rich. In support of my opinions on this subject, I will quote the Third Report of the Commissioners of Inquiry into the State of the Poor in Ireland. Among other things, however, these commissioners recommend the transfer of the power of the Board of Charitable Bequests in Ireland to the Poor Law Commissioners. I will presently show that that is unadvisable. It is strong confirmation of my opinon, that the first name attached to the Report of the Committee on the State of the Poor, condemning the Board of Charitable Bequests, is that of the Archbishop of Dublin, a member of that board! When Lord Stanley, and afterwards Lord Hatherton, were Chief Secretaries for Ireland, they communicated with the board, requiring that means might be adopted for rendering it more effective; to which requisition the board showed every disposition to assent. I moved for Returns on the subject last Session, but several of them have not yet been presented. No people are more adorned with the virtue of charity than the Irish. In Ireland there is an immense fund of charitable bequests, now perverted to improper uses. Twenty-five years ago a sum of 20,000*l.* was left by a Mr. Fanning to the poor of the city of Waterford, but as yet the poor of that city have not touched a shilling of the money. There are many other abuses which, if the commission be granted, would be discovered in the management of charitable property in Ireland. I now come to the proposition, on the part of the Commission to Inquire into the State of the Poor in Ireland, to place this matter under the control of the Poor Law Commissioners. It would be highly improper to place religious and educational bequests under the management of such an authority. Besides, the Poor Law Commissioners will have enough to do without it. I can assure the House, that there is *primâ facie* evidence of an enormous sum of money in Ireland applicable to charitable purposes, which, if properly applied, would nearly educate the people of that country, and would go a great way to diminish the expenses likely to arise from the New Poor Law Act. There is, at present, under the control of the Board of Charitable Bequests in Ireland, in the public funds, 130,000*l.*; in Chancery and other courts of litigation, about 100,000*l.*; and there are a great many houses, in different cities and different parts of Ireland, left for charitable purposes, valued by competent authorities, amounting to about 50,000*l.*; making a total of 280,000*l.* under the control of the Board of Charitable Bequests. Mr. D'Alton, a man of great antiquarian research, and in whom I can place the greatest confidence, estimates the various charitable gifts in Ireland at 110,150*l.* per annum. Mr. D'Alton is a man of most laborious character, who has dedicated a long life to the investigation of matters connected with charities in Ireland, with education, and with the antiquities of the country. I will read to the House Mr. D'Alton's estimate of the probable amount of charities in Ireland:—

		£
1. In the funds, debentures, and other securities, under the control of board, about . . .		130,000
2. In Chancery, in litigation, and private security . . .		100,000
3. Several houses and estates, value supposed about . . .		50,000
Total . .		280,000
PROPERTY NOT UNDER BOARD.		
Estimated by Mr. D'Alton at the annual value of . . .		110,000
Value in money, not under control .		2,200,000
Value as above, under control of board		280,000
Amount of ascertained charities .		2,480,000
Amount of unascertained and concealed charities, at the lowest calculation		500,000
Total . .		2,980,000
Calculated at 4 per cent. would yield per annum . . .		119,600
Parliamentary grants .	44,000	
Grand jury grants . .	60,000	
Private subscriptions .	32,000	
Charity sermons . .	12,000	
		148,000
Grand total per annum of all charities in Ireland . . .		267,600

Surely these things ought not to be left in the state in which they are, but ought to be placed in good hands. There is a precedent for the motion which I am about to submit to the House in the English commission, instituted several years ago, and now nearly closing its labours. I do not, however, mean to follow the appointments of that commission into all its details; I do not mean to say that, in its original constitution, it is or is not effective and useful; but I propose that, if a commission should issue, it should be limited, not only as to the time of its reporting to the House, but as to its expenses, thereby giving to the House and to the country some hope that the inquiry will not be protracted to an indefinite period, with commissioners at large salaries. If this were done, and honestly done, we should have speedy justice, and a proper management of the charities in Ireland. If the time and expenses are not to be limited, I will not lend myself to the matter in any shape. I hope her Majesty's Government will take the subject into consideration, and not leave so important a question in the hands of any private Member. I now move that an humble address be presented to her Majesty, praying that she will be graciously pleased to appoint a commission to inquire into the constitution of the Board of Charitable Bequests in Ireland, and into the present charitable funds and property in that portion of the United Kingdom.

MR. W. S. O'BRIEN.—In seconding the motion of my Honourable Friend, I am aware that I cannot add to the strong case he has shown for the inquiry for which he asks. My Honourable Friend has, in no way, exaggerated the case, and I rise with pleasure to confirm his statement. I am fully convinced that the present Board of Charitable Bequests in Ireland is ineffective and inadequate for the purposes for which it was constituted. I believe, also, that the character of the board is considered, by the Catholics of Ireland, to be so exclusive in its nature as not to be entitled to their confidence in any respect, and they have, accordingly refused to lay before it any statement of their charities. The board has no sufficient power of recovery, and I believe that the amount that might, under a proper management, be recovered, has not been overstated. I have heard it computed, and I have also had an opportunity of personal examination, and I believe that the amount of charities misapplied and misappropriated in Ireland, is not less than 25,000*l.* a-year. As regards placing the management of these charities in the hands of the Poor Law Commissioners, that is a question which is not now to be entertained. Certainly religious education charities are not those which ought to be given up to the management of the Poor Law Commissioners; but with respect to the other, the third class of charities, those intended for the relief of the poor, so far as my own opinion goes, I think they might well be given up to their direction. But in order to deal justly with this subject, we ought to have adequate information before us. I hope, therefore, the House will acquiesce in the motion of my Honourable Friend the Member for Waterford, and thus put the whole question in a proper channel. I beg to second the motion.

COLONEL SIBTHORP.—I am always alarmed at the very name of a "commission." I say I am horrified at the idea of another commission. The present Government has been a Government of commissions. It has revelled and rioted in commissions,—it has issued commissions for all purposes and for no purposes,—it has relieved itself by commissions,—it has enriched and fattened its lean and hungry friends by commissions,—it has reduced the word "commission" to the same meaning as the word "job." I shall object, therefore, to any motion like the present, until such an inquiry has been made as shall satisfy the House and the country of the policy of issuing any more commissions. Most of those already issued have been entirely useless, wholly unsatisfactory, and, moreover, attended with a vast expense. Under these circumstances, if the Government should accede to the motion of the Honourable Member for Waterford, I shall feel it my duty to take the sense of the House against it.

MR. WYSE.—I cordially assent to the motion of my Honourable Colleague, and I maintain that a commission is necessary to ascertain the truth of the allegations which have been made in this House with respect to the misapplication of the funds of charity in Ireland. I think that there should not only be a board of commissioners to investigate and remedy existing abuses, but that there should also be a permanent board, to exercise a constant and vigilant control, from year to year, over the administration of the charitable funds in Ireland. The misapplication of funds of this discription has the very worst moral influence on the country; it dulls the energy of benevolence, and prevents the application of funds to charitable purposes, because a conviction exists in the minds of men, that, if they make charitable bequests, there is no guarantee to them that the money will be applied in the way they design.

LORD VISCOUNT MORPETH. — Being called upon to give an opinion upon the subject, I am bound to admit that the Honourable Member for Waterford has made out a very strong case. He has shown that there is a very large amount of property involved in his motion; he has shown that the present Board of Charitable Bequests in Ireland is, from the nature of its construction, wholly inadequate for the ends for which it was intended, — because it is composed entirely of persons moving in a separate sphere of action, and having other heavy duties to perform; and he has moreover shown, without throwing any imputation upon the gentlemen composing the present board, that the circumstance of their being exclusively of one religion, has the effect, as society is now constituted in Ireland, of exciting considerable jealousy in the minds of the Roman Catholics. Without following the Honourable Member into the details of his statement, I will merely observe, that there certainly are very strong grounds for suspecting that a large portion of these funds is frittered away in law expenses; and I think every one will agree with me, that if there is any property in the world which ought not to be so squandered and frittered away, it is the patrimony of the poor. Under these circumstances, the Government naturally have felt anxious and willing to take the subject into their own hands; but the more immediate pressure of many other important topics has hitherto prevented them from doing so. The Government have been a little sensitive, too, upon the imputations which have been cast upon them of being too partial to commissioners; they may have had, too much, the fear of the Honourable and Gallant Member for Lincoln (Colonel Sibthorp) before their eyes. I am very willing that an inquiry should take place upon the subject; and whatever the nature of the tribunal ultimately to be established for the superintendence of charities may be, I think it is agreed, on all hands, that a previous inquiry is expedient. The only demur I shall make to the motion of my Honourable Friend is this — whether he has brought it forward in the best and most convenient shape. My Honourable Friend says that he wishes to impose some limitations as to time and expense. To secure that end, and, at the same time, to place the subject in the most satisfactory point of view before Parliament, I think that the wiser course would be to act upon the precedent of the English charities commission, and bring the question forward in the shape of a Bill. My Honourable Friend will also please to remember, that a commission appointed by the Crown, and not by Act of Parliament, would be materially cramped in some of its most important functions. For instance, it would not have the power of examining witnesses upon oath. Therefore, I would suggest to my Honourable Friend not to press his motion this evening; but to bring in a Bill upon the subject, limiting the time and the possible expenditure of the commission in the way he may think most proper. If my Honourable Friend will adopt that course, he may rely upon every assistance the Government may have it in their power to afford him.

Mr. SHAW. — I cannot help thinking that it would be much better if her Majesty's Government would take this matter into their own hands. There can be no necessity, neither are we entitled, to issue a commission to inquire into the constitution of the Board of Charitable Bequests; because all the information necessary, upon this subject, is to be found in the Act of Parliament under which it was established, and now continues to act. I admit that considerable inconvenience must result from having a public board formed principally of public officers, who are charged with other duties so onerous and important as to render it impossible for them to give any considerable portion of their time and attention to the business of such board; and I am persuaded that the Noble Lord would find the Board of Charitable Bequests willing to acquiesce and aid in any arrangement which the Government might propose, for the improvement and better working of the board in this respect. The question of the administration of the various charitable bequests and other charitable funds in Ireland, is one of great magnitude and importance; and I do not doubt that there are many instances, such as the Honourable Member has mentioned, of the bequests of Roman Catholic donors having been perverted from their original purpose. Such cases call for inquiry; and it would be very desirable if the Honourable Member, and those best acquainted with the facts, would suggest the remedies. But it appears to me, that the better course would be for the Noble Lord to take the matter into the hands of the Government; and I have no doubt that the members of the board would render him every assistance in their power. As I understand the present motion is not to be persisted in, it is unnecessary for me to trouble the House further on the subject.

The CHANCELLOR of the EXCHEQUER. — I fully concur with the Right Honourable and Learned Gentleman who has just sat down, that no inquiry is necessary into the constitution of the Board of Charitable Bequests; but it does not follow that there ought not to be an inquiry into the working of the board, and a general inquiry into the management of the charity property. I admit that, as stated by the Honourable Member who spoke second (Mr. Wyse), the effort I made, some years ago, to secure from local authorities, either grand juries or bodies of magistrates, an useful superintendence over the charities, has wholly failed, and it is now highly important to have a more efficient system of management. I fully concur in the views expressed by my Noble Friend, the Secretary for Ireland, and think that, if this question is entertained by the House, it ought to be in the shape of a Bill; for in the first place, as my Noble Friend has stated, — by the authority of an Act of Parliament, you give that power of examination and investigation which all agree is so very desirable, and which experience has shown is not, without such authority, to be attained. Without an Act of Parliament, persons say, "Oh! this is but a Royal commission; it is not an imperative Act of the Legislature, and we will not be examined by it, or give any information which we may possess."

In the constitution of the present Board of Charitable Bequests, you have followed the wrong principle. You have, by an Act of Parliament, imposed a heavy duty on persons who were already overburdened, and then you turn round upon them and complain that they have neglected those additional duties. You blame not yourselves, but those whom you have made the victims of your own error. I trust my Honourable Friend, who has brought forward this motion, will also submit a measure upon the subject, following the precedent of the English Charities Bill; and I rejoice that my Noble Friend near me (Viscount Morpeth) has held out the encouragement he has, to such a Bill.

COLONEL CONOLLY. — I rise to correct a misstatement which has erroneously been made by the Honourable Member opposite (Mr. Barron), with respect to the mismanagement of the Wilson's Hospital charity. The funds of that charity are not managed in secret; the utmost publicity is given to the whole proceedings; the intentions of the testator form the rule of management, and the accounts are rigidly audited annually by the trustees, the Archbishops of Armagh and Tuam, and the Bishop of Meath. I feel it to be my duty to disabuse the minds of Honourable Members of the impression which this misstatement is calculated to produce.

Mr. M. CHAPMAN.— It appears that vast sums are left every year, by persons of the Roman Catholic persuasion, over which this board can exercise no control; and which are, in consequence, too frequently perverted from the intentions of the donors, and entirely lost to those persons who ought to be the recipients of such charities. I am informed by the Roman Catholic Bishop of Meath, that, in the course of last year, no less a sum than 4000*l.* was left by persons of the Roman Catholic persuasion, in trust, for the purposes of education and charity. Now, if a proper board were established, all these charities might be very properly left to its management; and those funds which are now misapplied, might be recovered and employed in relieving the poor.

Mr. BARRON. — I can only say, that I am much gratified at the tone the debate has taken, and I beg to express my readiness to act upon the suggestion of my Noble Friend. I beg leave, therefore, to withdraw the present motion, and to give notice of a Bill similar to that which was introduced for the regulation of charities in England.

The motion was then withdrawn.

FRENCH CLAIMS—THE BARON DE BODE.

Mr. WARBURTON postponed his motion relative to the claims of the Baron de Bode till Thursday, the 22d February.

POST OFFICE.

Mr. WALLACE. — I rise, Sir, to call the attention of the House to a petition from the Chamber of Commerce of the city of Edinburgh, which I presented on the 5th inst., praying that no experiment on Mr. Rowland Hill's plan may be carried into effect, unless it be based on his main principles. In that part of the country they have been very much alarmed at a statement that the Right Honourable Gentleman the Chancellor of the Exchequer is about to make an experiment of his own on Mr. Hill's plan, in contradistinction to the recommendations of the Post Office Commissioners. If my memory does not fail me, the Right Honourable Gentleman stated, last summer, that the recommendations of the Commissioners of Post Office Inquiry that the twopenny and threepenny postage should be reduced to one penny, and that stamped covers should be introduced, were to have a fair trial. When, however, the Right Honourable Gentleman was asked, in December last, what he meant to do on this subject, his reply was, that he intended, in the following year, to bring in a Bill authorising the use of twopenny stamped covers for three miles round the Post Office, and threepenny covers for a space of twelve miles round, and I can say, that all to whom I have spoken, or whose opinions I have heard on the matter, agree with me in thinking, that if the Right Honourable Gentleman had offered a premium for the best device to frustrate Mr. Rowland Hill's plan, he could not have hit upon a more effectual expedient. The Chamber of Commerce of the city of Edinburgh, therefore, having foreseen the advantages which would accrue to the country from an extension of correspondence, and from a large reduction in the rates of postage, have entrusted to me a petition extremely well expressed, praying that means may be taken to prevent the Right Honourable Gentleman from following up his intention. I wish to confine myself exclusively to the plain and simple question, whether anything can be more perfectly absurd than an experiment to test the merits of a plan which proposes a penny stamped cover and a penny rate of postage, by means of a twopenny stamped cover. The idea of the public purchasing twopenny stamped covers, when they may send their letters for twopence without the stamp, is so preposterous, that I wonder how it could ever have entered into any man's head to imagine such a thing. Under these circumstances, I shall now give notice of my intention to bring in a Bill to give entire effect to the recommendations of the Post Office Commissioners, and then the Bill of the Right Honourable Gentleman, and that of the Member for Greenock, will proceed *pari passu*, and the House will decide which they will adopt. It is suggested, however, by an authority near me, to whose recommendations I will defer, that the more regular course for me to take will be, to move that this House do resolve itself into a committee of the whole House, to take into consideration the laws relating to the Post Office.

Upon the question being proposed,—

The CHANCELLOR of the EXCHEQUER said: — I presume that my Honourable Friend has made this motion merely for the purpose of inviting a discussion on the subject, I do not therefore complain of the course which he has taken; but I think I shall be able to show the House, in a very few words, that I do not deserve the censure which my Honourable Friend has cast upon me. I should ill discharge my duty to the public, and should fail in the respect which I owe to a committee of this House, if, by anything I am now about to say, I were to prejudge a question at present under the consideration of a committee up stairs. I have been called on to consider a plan of Mr. Hill's, a gentleman for whom I entertain personally the greatest respect, and who has devoted much attention to the subject. But, notwithstanding the respect with which I regard Mr. Hill, I do not feel called upon to run the hazard of an enormous sacrifice of revenue on the evidence which was then placed before me. If I had made that experiment, and made the reduction of one penny in the postage, as recommended by the commissioners, it would have required an increase of 43,000,000 letters, or something like 43,000,000 letters, annually, to make up the deficiency in the revenue caused by the proposed reduction. I do not think, however, there is any gentleman who would say, that by any permanent arrangement that might be made, the correspondence of the country could be increased to that extent. The Government would have to alter all the existing arrangements of the Post Office at once, and this on the hypothesis that Mr. Hill was right. I do not presume to say that he is wrong, but as the House has acquiesced in the appointment of a committee up stairs to inquire into the whole subject, I think that it would be only an act of common prudence to wait for the Report of that committee, and see what are the recommendations which they may have to suggest. I am aware that my Honourable Friend may say, "Oh, but why not try Mr. Hill's plan, and apply it to the whole of the twopenny post?" My answer is, that I should like to have the Report of the committee, and to learn whether they consider the plan of Mr. Hill feasible, — before I proceed to adopt it. Then, I would remind the House that the revenue from the twopenny post is at this time increasing, showing that a twopenny rate of postage does not lead to a diminution in correspondence. I have already made a reduction; I have reduced the threepenny postage in all small distances; I have reduced the fourpenny post to twopence; and I have given directions that a register shall be kept of the amount of correspondence both before and after the reduction; so that the House will have before it the exact details showing the effect of that reduction upon the amount of correspondence. This information is essential, because all the reasoning in favour of an alteration must fall to the ground, unless it can be shown that the present postage duty throws difficulties in the way of the correspondence of the country. I have taken means to ascertain this fact, and I have submitted Mr. Hill's plan to a committee. The Honourable Gentleman is anxious that we should try the experiment of stamped covers, but does he wish us to try it fairly? It will not be trying it fairly if we say that a letter shall go under a stamp cover for a penny, whereas a letter not going under a stamp cover shall be charged twopence. It has been supposed by some gentlemen that notes of invitation and messages would be frequently sent by the twopenny post instead of by servants, if a stamp cover were allowed; I, therefore, have consented to the experiment. When the whole plan of Mr. Hill shall have been considered by the Committee, and reported upon to the House, I shall be prepared to give my determination upon it. At present, I think it more prudent not to make any alteration in the existing system. I have great respect for the Chamber of Commerce in Edinburgh, but I should have attached much more weight to their recommendation if it had been made with reference to their own city, instead of to the mode of carrying on correspondence in London.

Mr. HUME. — I do not know whether I rightly understood the Right Honourable Gentleman that he would wait till the committee had made their Report before he permitted stamped covers.

The CHANCELLOR of the EXCHEQUER. — No, I said that I was quite willing to try the experiment of stamped covers, and that I had given directions that they should be prepared without delay. I can have no objection whatever to persons availing themselves of stamped covers, if they think proper.

Mr. HUME. — The object of my Honourable Friend the Member for Greenock is precisely that which the Right Honourable Gentleman professes to be his; namely, that no alteration should be made until the whole plan has been fully determined upon. The Right Honourable Gentleman, however, says he is willing to make a partial attempt to carry Mr. Hill's plan into effect. It is not a partial trial of that plan, because Mr. Hill suggests the reduction of the duty to a penny. I must say the country has great reason to complain of the conduct of the Post Office. Two years has now elapsed since the Right Honourable Gentleman said that there were grounds for believing that the Post Office might be better managed, and he brought in a Bill appointing commissioners to take charge of that department, in place of one individual. But still we are in the same state; we have nothing but delay. Then there was a commission appointed by the Crown, which has made no less than ten separate Reports, but still nothing is done.

Mr. LABOUCHERE. — I am desirous of making a few observations on this subject. My Honourable Friend has stated that a commission was appointed by her Majesty's Government to inquire into the arrangements of the Post Office, and that they were unwilling to carry the recommendations of that commission into effect. Having been myself one of the commissioners, I feel bound to state that, both on the part of the Government and of my Right Honourable Friend there exists an anxious desire to carry those recommendations into operation. When the commission was appointed, it was stated that it would be a mere screen to the Government to stave off all reform, and that there was no real intention of looking into the abuses of the Post Office. I, on that occasion, gave a pledge, in my own name, and in the name of my colleagues, that we were determined to look fully and fairly into the subject, with a desire to lay before the public the sincere impressions which the inquiry might make upon us. We have done so, and I trust that, by the course we have taken, the expectations of the country have not been disappointed. But, then, what has been the consequence? The members of that commission have made Reports on various subjects, embracing questions of much complication, without any communication or consultation with the Post Office, or with the Treasury. It would, therefore, sometimes happen that there must arise a fair difference of opinion between the commissioners and those departments. I do not think that I and my colleagues would have done our duty if we had, by previous communication with the Post Office or the Treasury, endeavoured to avoid these differences of opinion; but there is no reason why blame should be thrown on those departments for exercising their own judgment with respect to the policy of acting on the recommendations contained in the Report. Nevertheless, I was not aware, until this Report with regard to the twopenny post-office came under consideration, of any important recommendation of the commissioners that had not been carried into effect as far as the Government could carry it. I must deny that it is any fault of ours, or of the Government, that some alteration has not been made with respect to the management of the Post Office Department. It is the fault of Parliament alone. The question of steam packet communication, of mail-coach communication, and various other subjects, have been reported on, and I do not know of any other instances in which the Treasury has manifested a disinclination to comply with the commissioners' recommendations. I should, myself, have been glad if the plan proposed by Mr. Hill had been tried; but I must, at the same time, fairly own that, involving as it does a considerable amount of the public money, my Right Honourable Friend, as guardian of the public revenue, had much reason on his side in declining to carry these recommendations into effect, on the plea that he could not afford to try the experiment. With regard to the adoption of stamped covers, I confess I cannot regard that as the chief feature of Mr. Hill's plan. The most important principle of Mr. Hill's plan is, the previous payment of the postage, and the making such previous payment compulsory. This is a part of the plan about which I have always entertained the greatest doubt. I very much question the readiness of the public to acquiesce in a system that would deprive them of all option, when sending letters, whether to pay the postage or not. Upon the whole, I think it would be better to let the whole matter rest with the committee up stairs; and I should be rather glad if my Right Honourable Friend would not make any partial experiment with regard to the stamped covers now, for I do not think it would be likely to conduce to much satisfaction.

The CHANCELLOR of the EXCHEQUER. — The experiment of stamped covers is not of my own seeking, but one which I was asked, in the early part of the Session, to try; and I did so promise at the express desire of many Honourable Gentlemen in this House. I have no objection, however, to suspend the experiment until the Report of the committee shall be received. In reply to what has been said, as to the suggestions of the Post Office Commissioners not having been carried into effect, I would observe, that gentlemen will always find it much easier to lay down a principle, than those to whom the management of the details is intrusted will find it to carry that principle into effect. With reference to the statement as to our contracting for the transmission of her Majesty's mails; I thought that no place could be better for trying that experiment than Liverpool. I have done my best to apply the principle there; for I had been told by Honourable Gentlemen, that, if once the unjust competition of the government packets were removed, the commercial packets would carry the mail without charge, contenting themselves with the advantages which they would derive from the withdrawal of the monopoly. I, in conjunction with the Admiralty, have done my best to avail myself of the existing competition between the commercial packets, to procure the gratuitous transmission of the mails from that port to Kingstown; but, instead of getting them carried for nothing, as certain Honourable Members have prognosticated, the only single tender which we have received, is one that certainly defeats all these expectations at once. For, whereas the packet communication upon this station has yielded to the Government an annual sum of 21,000*l.*, the individuals who signed this tender professed themselves liberal enough to enter into the proposed contract with Government in consideration of being "paid" the sum of 34,000*l.* a-year! I state this case as an example to gentlemen who are fond of advocating general principles, without being aware of the difficulty of giving them practical efficacy; and it may also have the effect of showing Honourable Gentlemen that they should not be too ready to blame the Government for being dilatory in carrying general propositions of this description into effect.

CAPTAIN PECHELL. — I am far from wishing to throw any imputation upon the Government; on the contrary, I am well satisfied with many alterations that have been made, — and I wish, particularly, to offer them my thanks for the alterations they have effected in the twopenny post department. I rise, principally, to call the attention of the Right Honourable the Chancellor of the Exchequer to an inconvenience connected with the charge upon petitions sent up to Honourable Members for presentation by their constituents. This very morning I have received a petition, upon which the sum of 1*l.* 17*s.* 6*d.* was charged. I did not happen to have money in my House at the time when the postman called. I was therefore obliged to direct the postman to return the next morning, and but for that circumstance the petition would have been presented this day. The petition was open at both ends, consequently not subject to charge. I ought not, therefore, to have been put to all this trouble.

SIR J. DUKE. — I wish also to direct the attention of the Right Honourable Gentleman to one point connected with the Post Office department. I am persuaded that if the number of the twopenny post deliveries were increased, a very considerable addition would be made to the revenue. I know that the delay which is occasioned by the existing system causes several letters to be sent by servants which would otherwise pass through the post office. Letters put into the office at Charing Cross before three o'clock, do not now reach the city until after six.

The ATTORNEY GENERAL. — I wish to observe, in consequence of what has fallen from the Honourable and Gallant Gentleman the Member for Brighton, that I, myself, have received petitions again and again from my constituents and others, which are irregularly charged; but that the amount has, in all instances, been subsequently remitted to me. One of these petitions was charged so large an amount as 43*l.* 16*s.* 10*d.* I do not say whether or not I was caught without such a sum in my possession. I received credit, however, for the amount. Any sums which I have paid in this way have been, in all instances, remitted upon application at the General Post Office.

CAPTAIN PECHELL. — The petition of which I have spoken complied with the regulations that regard the transmission of such documents. But I had not, perhaps, the same facility as her Majesty's Attorney General for obtaining credit at the Post Office, and for having errors speedily rectified.

An Honourable Member. — In reference to the threepenny post,—in a village seven miles distant from London, if a letter be not put into the post office before half-past four o'clock, it will not be delivered in London until the next day, after an interval of more than seventeen hours. I think this a great hardship; and, in fact, it amounts to this — that a person so circumstanced is in a worse condition with respect to his correspondence than if he lived at Southampton. The commission has recommended an alteration in the threepenny post delivery. I think eight months is an unnecessary length of time for carrying so obvious an improvement into effect.

Mr. F. BARING. — The commissioners did not actually recommend that an alteration of the system should be immediately adopted with respect to the threepenny post in the neighbourhood of London, but that an inquiry should be made with a view to some better management being effected. All the recommendations of the commissioners have been taken successively into consideration, with the exception of this one; and it is intended immediately to enter upon the consideration of this also. Their recommendation, with regard to an increase of communication by means of the twopenny post, that is, that there should be a seventh delivery, notwithstanding a considerable additional expense has been thereby incurred, has, as far as possible, been carried into effect.

Mr. WALLACE. — I will occupy the attention of the House but a very short time in replying to the statements which have just been made, but I must offer one or two observations on the remarks of the Chancellor of the Exchequer as to the contracts for the packet service. In 1836 the St. George's Steam Packet Company offered to carry the mails to Ireland for nothing; but what did the Government do? They refused this offer, but allowed, in the same year, an Act to be passed by Parliament limiting the liability of the company. This was done under the plea of assisting the inland navigation of Ireland; but 200,000*l.* having been raised in consequence of that Act, the company, instead of applying themselves to the inland navigation, set to work to build boats purposely to beat the Post Office, or rather, at that time, the Admiralty packets. The Admiralty continued their old boats, and the consequence was, that the St. George's Company, having completely outsailed them, run them out of sight, and carried away all the custom, now turned round and did what every other trading company would have done under similar circumstances — they demanded 34,000*l.* to contract for doing what, before their new boats were built, they would have gladly undertaken for nothing. The great boon held out by the Chancellor of the Exchequer, the reduction of the fourpenny postage to twopence, was not recommended by the Post Office Commissioners, but was introduced by the Right Honourable Gentleman on his own responsibility. It is true that a committee was appointed on my own motion, and is still sitting; but three weeks afterwards, and before any Report was made, the Chancellor of the Exchequer gave notice of his Bill. I am willing to leave the whole subject of the Post Office inquiry to the committee up stairs; but I hope that, in the mean time, no attempt will be made by the Right Honourable Gentleman to give effect to his twopenny proceeding. Having elicited this discussion, I beg the leave of the House to withdraw my motion.

Mr. HUME. — In reference to the charges on petitions, I beg to say, that the one which I presented in the early part of the evening came to me, yesterday, charged with postage; it was marked "refused" at my house, and was then sent down to the House of Commons this day; a whole day has been thus lost, and much trouble given. I think that the Post Office should determine at once to charge all petitions weighing above six ounces, or to remit the amount. I must say, however, that I have never known an instance of a charge for a petition in which the money paid has not been returned on the circumstances being stated to the Post Office authorities.

SIR GEORGE SINCLAIR.—I have, on several occasions, received petitions to present to this House, upon which postage has been charged; but I must corroborate the statement of the Honourable Member for Kilkenny, that, in every instance, on my complaining at the Post Office, I have experienced the greatest civility, the money charged has been returned.

The motion was then, by leave, withdrawn.

POST OFFICE.

Mr. WALLACE.—I have now, Sir, to comment on another petition which I have presented from your constituents. I think that the great constituencies of Edinburgh and Glasgow have been hardly dealt with in not having a day mail, when Dublin, Manchester, Birmingham, and other places, have been allowed the benefit arising from this recommendation of the Post Office Commissioners. But these commissioners also recommended that Edinburgh and Glasgow should be included in the arrangement. I have been assured that the day mail to Dublin was established at the request of the Irish Government. To this I have no objection; but if the Irish Government have the power of controlling the Post Office authorities, and of preventing the extension of a similar advantage to other parts of the kingdom, I do most seriously complain. I must insist that many of the recommendations of the Post Office Commissioners have not been complied with, and one — the most necessary of any to remedy the defects of the present system — the recommendation of placing the whole of the Post Office matters in the hands of commissioners, has been, if not entirely overlooked, at least disregarded. The change was recommended in the Report of July, 1835; but the Report was not circulated till 1836: how it has been kept back, or by whom, I do not know; still it has not been delivered. In February, 1836, the Chancellor of the Exchequer was asked whether he intended to carry into effect this recommendation? His answer was, that he intended to introduce a measure founded upon the Report. It was not, however, till nearly the end of the Session, the 8th of July, that a Bill was introduced; it then passed through its several stages in this House, and reached the other House on the 4th of August, and was on the 12th of August thrown out of the House of Lords, because there was not sufficient time at that late period of the Session to give due consideration to so important a subject. Thus, although the Bill was promised in February, it was not begun till the 8th of July — one month only before the end of the Session — and did not reach the Lords till within the last six days, and this was all the time which was afforded for deliberation on this great alteration. I fear that it is the amount of patronage at the disposal of the Government which they are most unwilling to part with, and which renders them careless of the inconvenience experienced by the public. In 1837 we were promised that the Bill should be reintroduced. You all know that the death of the sovereign caused an abrupt termination of that Session; still more than two months of the present Session has already elapsed, and the Bill has not yet been reproduced. I do not see why a preference should be given to the northern parts of England and to Dublin over Scotland; and I think that, in justice to the manufacturers of that country, they ought to have equal facilities in the receipt of their foreign correspondence. There were other general measures recommended by the commissioners which have not been adopted. I shall, however, conclude with moving for some Returns which will show the real state of the case, and bring the whole question fairly before the House and the country. But I cannot help adverting specifically to one great advantage which the Sunday day mail possesses: it takes down into the country the whole of the correspondence which comes up on the Saturday night, and, if the mail were granted to Edinburgh, the Saturday's letters would reach that city thirty-six hours before the present time. If a day mail were established, the constituencies of Scotland would be able to read the debate of this night—if it be worth reading—twelve hours sooner than they can under the present arrangement. I recommend, also, that, instead of starting an additional mail-coach to carry the morning mail, the effect of which is to cheat the turnpike trusts of the tolls, they should employ the regular coaches, of which many are constantly running to Birmingham; and I contend that there is no fear of the loss of the mail-bags by these public conveyances, although they do carry so many passenges, for I have myself seen a mail-coach carry seven outside passengers without danger to the bags; and it was established last year before a committee of this House, that in Ireland, where the bags are forwarded by public passenger conveyances, very few, if any, robberies take place. I complain of the limitation of the franking time in London to ten hours and a half, whilst it is twenty-four hours in the country; and of the Postmaster General's circular, stating that the boxes for the reception of letters for the morning mail will be open at the Houses of Parliament till six o'clock in the morning, when the houses are shut at that hour; and I conclude by moving for "A Return, in abstract, of the recommendations contained in the ten Reports of the Post Office Commissioners: showing—1st, the recommendations which have been carried into effect; 2dly, the recommendations which have been partially carried into effect; and, 3dly, those recommendations which have not been acted upon; and stating distinctly to what extent each of the recommendations has been brought into operation, together with the date of the Report in which they are contained, and the date when they were adopted, and the names of the commissioners appended to each Report."

Mr. HUME.—In rising to second the motion of my Honourable Friend, I will take the opportunity which it gives me, of asking a question of the Right Honourable Gentleman the Chancellor of the Exchequer. I am satisfied that there is only one mode of removing the anomalies which at present exist, and the cause of complaint of the Honourable Member for Greenock, and that mode is, by the adoption of the plan suggested by the Commissioners, by changing the Postmaster General's office, and allowing it to be executed by commissioners. I hope that no delay will take place upon this subject, and that the same excuse will not be furnished to the Lords as was given in 1836, for rejecting a Bill of so much importance, because it reached them only within a week of the close of the Session. It should be recollected, also, that our Post Office establishment annually taxes the public to the amount of 2,500,000*l*., and costs more than any other similar establishment in the world. There is, therefore, no excuse for delay; and what I wish to ascertain from the Right Honourable Gentleman is, when he intends to bring in his Bill for carrying into effect the commissioners' recommendations?

The CHANCELLOR of the EXCHEQUER.—I do not rise to object to the motion of the Honourable Member, but nevertheless I am sure that the House will agree with me, that it is extremely unfair for the Honourable Member to give notice of one motion, and bring forward quite a different one;—the motion for which the Honourable Member gave notice being, to call the attention of the House to the petition from Edinburgh, presented the 5th of February, for establishing a morning mail to Scotland. Instead of confining himself to this, he has made a distinct charge against the Government, and concluded with a motion for Returns of what has been effected towards carrying out the commissioners' Reports. Such a course of proceeding is neither fair nor just; and nothing but the disposition felt by the Government to give every information relative to the Post Office, precludes me from giving a direct negative to the Honourable Member's proposition. The Honourable Member has expressed a hope, that the time will come when this House may not be occupied with discussions of this kind. In that hope I perfectly concur with the Honourable Member; and without any want of respect, I will say, that if this House were to undertake not only the general superintendence and responsibility of the various departments of the Government, but if it were to undertake to inquire whether a twopenny post ought to be opened in this place or in that place, or a mail-coach run on this or that road, it would be consuming the public time intrusted to it to very little purpose; and I therefore conceive that discussions like the present are not calculated to raise Members of this House in the estimation of their constituents, or the character of the House in the opinion of the public. I shall advert only to two of the points which the Honourable Member has raised, and leave it to the House to decide whether the charges which the Honourable Member has brought against the Government are founded in fact. The Honourable Member, in showing that the Government had overlooked the Report of the commissioners, recommending an alteration in the present constitution of the Post Office, went logically to work to prove his statement, by recapitulating, from the votes of this House, the steps which have been taken by me in introducing a Bill, which I fought through this House, for giving effect to the commissioners' recommendations, and which was subsequently lost in another place. How, therefore, we can have overlooked the Report of the commissioners, will require rather more than the Honourable Gentleman's ingenuity to prove. The Honourable Member has asked, and the Honourable Member for Kilkenny has also asked, why not bring in another Bill? In answer, I have but to say, that I have already given notice of my intention to do so; and I will now add, that I will do my utmost to further it. With respect, however, to the establishment of a day mail, which makes a most important change in the arrangements of the Post Office, and which will only be effected by a great increase of expense, can anything be more reasonable or more just than that we should try an experiment, in the first instance, in a place where it is likely to be successful, and that we should wait to see the result of that experiment before we extend the plan? It must be observed, also, that it is only to a portion of the correspondence that a day mail is likely to be of any use. Whether letters are received at twelve o'clock at night or at six o'clock in the morning, is of no earthly importance; it is only near the extremity of the line, therefore, and in the neighbourhood of London, that the day mail will be of value. If the Honourable Member considers, likewise, the entire alteration which is taking place in the country with regard to the whole system of coach communication, and the lines of railroad which are being established throughout the kingdom, I do not, as a man of common sense, wish that we should enter into changes which will entail enormous charges on the public, till we see what permanency will be established. The Western Railway, for instance, is likely to be completed; and would the Honourable Member wish the Government to establish a double line of communication? Many others are in progress; and, with respect to the Birmingham mail, I do not think that we could find contractors who would do anything for nothing, for the number of coaches is already so much reduced as to render travelling very inconvenient at the present moment; and the Post Office has a difficulty, even after paying double the ordinary contract price, to find contractors. The full establishment of the day mail will require the remodelling of the whole mail establishment; and I think that Government is acting more prudently by not saddling the country at once with an enormous mass of charges, but by awaiting the results of what has been already done. The Honourable Member for Greenock seems to suspect that the Government never consult the convenience of the public; but I must observe, that the interest of the Government is directly the reverse of this, for the more letters that pass through the Post Office, the more correspondence takes place; and the more the public convenience is consulted, the more income will it produce, and the greater will be the public revenue.

Mr. W. D. GILLON.—Sir, I think that you ought to facilitate by every means in your power the transmission of letters and newspapers. The Right Honourable Gentleman has objected to the expense of of establishing daily mails, but I think that having sent them to Birmingham, Manchester, Liverpool, and Ireland, it would not be any great stretch of generosity to extend them to Scotland. The same mail would carry the Scotch as carries the Birmingham letters. At Warrington, now, two mails meet and run together to Carlisle, where they separate, one going to Edinburgh, the other to Glasgow. By letting one coach carry both bags to Carlisle, and by making the second coach meet the day mail, both might be carried without the addition of a single coach. From Carlisle there are already two day mails, so that with the same establishment the greatest increase of assistance might be afforded to the mercantile interests of Scotland. I think that my Honourable Friend has been hardly dealt with, when he has been accused of wasting the time of the House, for I consider this a most important subject. Whether I shall succeed or not in the motion which I intend to bring forward for the equalisation of the taxation on the various methods of internal communication, I must remark on the great absurdity of charging any duty on carriages carrying the mails; for the mileage duty is repaid by the public in the shape of an increased rate of contract, and the public are clear losers by the poundage. Valuable evidence was given before the committee of last year by Sir Edward Lees, that great advantage has been experienced in Ireland from the establishment of mails carrying passengers and and paying no duty, — and no robberies have been effected on these mails, whilst many have been committed on the single horse or foot posts. By this means, also, posts and conveyances for passengers have been established on the cross roads of Ireland, whilst we are very deficient in all the cross roads in England and in Scotland.

SIR G. SINCLAIR. — I know that a day mail to Scotland would be a great accommodation to the inhabitants of that country, and I believe that it is an object which might be accomplished without increased expense. I wish on this occasion to say a word with respect to the twopenny post letter carriers, whose case was brought before the house last year. They have had recently their previous very onerous duties considerably increased by the late alterations, and no proportionate increase in the amount of their pay has been allowed them. And when the salaries of the higher officers of the department have been increased (which I do not complain of), I think something ought to be done for these more humble, but equally useful, persons. It has been said, that the duty of the letter carriers might be done for less than is now paid; but that is no answer — or, at any rate, it would apply equally in the case of the higher officers of the department.

Mr. F. BARING. — I have no doubt that the establishment of a day mail to Edinburgh would be of great use; but as the whole matter is now under the consideration of the committee up stairs, we had better defer any interference until the Report is before the House. With regard to the wages paid to the twopenny post letter carriers, my own opinion is, that the pay which they receive is a fair remuneration for their services. It is true that their duties have lately been increased by an arrangement recently made at the Post Office. At the same time additional hands have been employed, and means have been adopted by which they will be entitled eventually to some remuneration — that is, they will receive an increase of salary according to length of service. The plan has been adopted by the Treasury, in consequence of a suggestion of mine; and a mode of classification has been taken by which good servants of the longest standing will be the best paid. With regard to the general question of increasing the pay of the letter carriers, I am of opinion that any alteration in the present system is unnecessary.

The Honourable Member for Greenock complains of the mail coaches carrying passengers, and says, why not employ the stage coaches for carrying the mails? I can inform the Honourable Gentleman that we frequently do so. It may often happen, when the Honourable Member is travelling by a stage coach, that the mail bags are being conveyed by the same vehicle. With respect to the tax on carriages carrying the mails, that is a subject I will not now enter upon; but when any distinct proposition is brought forward upon the subject, I shall be prepared to contend that nothing would be gained by any alteration in regard to this matter, but that it might be productive of some injury to a certain class of persons.

The ATTORNEY GENERAL. — I feel that I ought not to allow this subject to pass without expressing a hope that the officers of her Majesty's Government within whose province the matter lies, will give the subject of the establishment of a day mail to Edinburgh their most serious and speedy consideration. There can be no doubt that the establishment of a day mail to Ireland is most useful. I have no doubt it was proper that it should be seen whether or not the plan with regard to that portion of the kingdom succeeded before it should be carried into effect with reference to another portion of the kingdom. It has succeeded, and why is it not adopted now with regard to Scotland? The line is already formed to Liverpool, and the mail might be conveyed on without much additional expense. Not only Edinburgh, but the whole of Scotland, is interested in the matter.

Mr. WALLACE. — I feel much satisfaction at the course which the discussion has taken; and I assure the Right Honourable the Chancellor of the Exchequer that it is far from my wish to take any advantage by the motion I have made. There are now two mails going from the Post Office daily, one for Edinburgh and the other for Glasgow; they go together, side by side. Now, I want to know why the one coach could not start at eight o'clock in the morning and the other at eight o'clock at night: thus the object would be attained without any increased expense. If there is any objection to produce the papers I have moved for, I will not press the motion.

The CHANCELLOR of the EXCHEQUER. — There is no objection.

The motion was then agreed to. — Returns ordered.

REAL PROPERTY LAW.

The ATTORNEY GENERAL. — In rising to move for leave to bring in several Bills to amend the law as it at present stands with regard to real property, I shall feel it necessary to occupy the attention of the House only for a few moments. The Bills which I now propose to introduce are substantially the same as those which were introduced in a former Session, and are founded on the Report of the Real Property Commissioners. The first is a Bill to facilitate the enfranchisement of lands of copyhold and customary tenures. I had wished to abolish the tenures altogether, as I knew they were attended with very great inconvenience, in producing disputes beween the lords of manors and others; but I admit that I was not bold enough to bring in a measure so sweeping in its provisions. My Bill is, therefore, only to facilitate the enfranchisement of lands. The second Bill is introduced with a view of remedying some of the inconveniencies with regard to copyhold tenures, such as holding courts, making surrenders, and some matters with regard to leasing copyhold lands; and it is entitled "A Bill for the Amendment of the Law relating to Lands held by Copy or Court Roll." The third Bill is to authorise the identifying or ascertaining the boundaries of manors and lands, where such boundaries are confused or unknown. The limits of manors are, I know, very ill defined, and, with a view to their being properly settled, I propose that referees shall be appointed to ascertain them. The fourth Bill is for abolishing customs relating to lands in certain cases. I desire that the general law should be that of primogeniture; but there are some cases in which it is proper that the old law should be continued. In the case of the custom of Gavelkind, which exists in the county of Kent, I do not propose any alteration. It is, in my opinion, mischievous, for the effect of it is, that in the event of the death of a man with seven sons and seven daughters, his property would not go to the eldest son, nor would it be equally divided among his children, but it would be parted among the seven sons, and his daughters would not receive anything. The people of Kent, however, are satisfied with the custom, and on that account, perhaps, it would be better to allow it to remain. I had wished to abolish heriots altogether, as well as copyholds, in accordance with the Bill I formerly brought before the House; but I feel that I cannot now extend my proposed measure so far. The only other subject to which my Bills refer is the law of escheat. I desire to bring in a Bill which will very much modify the existing law; but I do not think that it is necessary now to go into the particulars of it. I hope the second reading will not be opposed, when the Bill may be referred to a select committee of Members; and I hope that the Right Honourable and Learned Gentleman opposite, and other Honourable Gentlemen who are connected with the legal profession, will give me their assistance. I beg leave now to move for leave to bring in the following Bills: —

Copyholds Enfranchisement — Bill to facilitate the Enfranchisements of Lands of Copyhold and Customary Tenures.

Copyholds Improvement — Bill for the Amendment of the Law relating to Lands held by Copy of Court Roll.

Boundaries — Bill to authorise the identifying or ascertaining of the Boundaries of Manors and Lands where such Boundaries are confused or unknown.

Escheats — Bill for the Amendment of the Law of Escheat, and the Law relating to the Forfeiture of Lands and Chattels for Crimes, and of the Law relating to Chattels of Persons dying intestate and without kindred, and for enabling her Majesty to make grants of Lands and Chattels in certain cases.

Descents — Bill for abolishing Customs affecting Lands in certain cases.

Upon the question being put, upon the Copyholds Enfranchisements and Copyholds Improvement Bills, —

Mr. GOULBURN said: — I do not rise to oppose the motion of the Honourable and Learned Attorney General; but I am glad to find that he has abandoned, in his present Bill, the clause which was inserted in the one formerly introduced, with regard to compensation for heriots; for I do not think that it could be persevered in with any prospect of success, or that it could be accomplished with justice to the parties themselves. The Honourable and Learned Attorney General has stated that it is his intention to propose a select committee for the consideration of the various matters connected with this subject, and has expressed a hope that he shall have the assistance on that committee of those Honourable Members of this House who are connected with the legal profession. Now, with all respect to those Honourable and Learned Members, I should suggest that the committee should be more generally constituted, and that some of those Honourable Members who are acquainted with the subject of manors generally, should be also selected; for I am of opinion that legal Gentlemen (and I say it with the utmost respect) confine themselves rather to the consideration of those points which affect the technical portions of the law, and which go to facilitate the transfer of large properties, but which do not touch upon the real justice of the case.

The Bills were then severally ordered to be brought in by Mr. ATTORNEY GENERAL and Mr. SOLICITOR GENERAL.

Upon the question being put upon the Boundaries Bill, —

Mr. AGLIONBY said: — I wish to call the attention of the Honourable and Learned Attorney General to the great advantage which would be experienced in the north of England if he would extend one of his Bills to lands within manors as well as to manors themselves.

The remaining Bills were then severally ordered to be brought in by Mr. ATTORNEY GENERAL and Mr. SOLICITOR GENERAL.

BRICK DUTY.

r. FORBES. — I rise to move for a "Return of the number of bricks upon which the duty has been paid, between the 5th January, 1836, and the 5th January, 1838, in England, Scotland, and Ireland, distinguishing the number of bricks upon which duty has been paid in each county, and the amount paid thereon respectively; also the expense of collecting the same." I will not detain the House by any observations, as I suppose the motion will not be opposed. I should explain, however, that I have altered the motion from the terms of the notice, in order to make it exactly like the last Return that was moved for, on the same subject.

Upon the question being put, —

The CHANCELLOR of the EXCHEQUER said: — I would remind the Honourable Gentleman and the House, that within these few years we have been furnished with a regular series of statistical returns, comprising all these accounts. If the Honourable Gentleman wishes for any particular account more in detail than can be obtained from Mr. Porter's tables, he has an undoubted right to call for it. But in this case, nothing is asked beyond what is furnished in those tables; and up to within a very short time of the date named in the Honourable Member's motion nothing more can be obtained. But the Return, in its present terms, cannot be made at all, for the Honourable Member calls for a Return of the duties collected in Ireland, there being, in fact, no duty on bricks in Ireland. It is, besides, impossible to give a Return of the cost of collecting the duties; for it frequently happens that the same person who is employed in collecting the duties on bricks is immediately afterwards engaged in the collection of taxes on hops, or other taxable articles. I have no objection to the Returns, except in these particulars.

Mr. BAINES. —We have now Returns only to 1835. We ought to have the information either by separate Returns, or the volume to which the Right Honourable Gentleman has referred ought to be published at an earlier period.

The CHANCELLOR of the EXCHEQUER. — The observation of the Honourable Member is quite correct as to the time to which the accounts were made up; but the whole will be included in the finance accounts for the current year. I have no objection, if the Honourable Gentleman will put his motion into a proper form, that he should have the account for the preceding year; but I trust the House will not go back to a system which was so long complained of, and which it has been its object to avoid.

Mr. GOULBURN. — I agree with the Right Honourable Gentleman, that it may be well to avoid the inconvenience of preparing Returns which are to be found in the tables already published; but, at the same time, it is important that the latest information on the subject should be had. I think it is most inconvenient to refer Honourable Members to any tables which have been published, for a portion of the information required, and to give them the remainder on a separate sheet of paper. I cannot see what objection there is to giving the whole account on one paper; and I look upon that as by far the most convenient course to be adopted for the sake of Honourable Members.

LORD JOHN RUSSELL. — I agree that there may be cases in which such returns should be granted; but I think it would be more convenient to the House, if the Honourable Member would communicate with Mr. Porter, and inquire of him whether the returns can be prepared in the form proposed; they might then be moved for in a proper shape.

SIR ROBERT PEEL. — It is, without doubt, most desirable that we should adhere, in these accounts, as near as possible to the same form; at the same time, I think it matter of exceeding inconvenience to give a portion of the Return on one paper, and to refer the House to a published book for the remainder. For my own part, being little conversant with the subject of the present motion, I wish the Honourable Member had added to his motion, that there should be a printed account of the regulations with regard to the duties; for although I have no doubt that they are all to be found in the various Acts of Parliament, yet I think that if the matter should come under discussion, the course which I suggest will be of very great advantage to Honourable Members.

The CHANCELLOR of the EXCHEQUER. — The effect of any analysis of the law upon the subject being drawn up and published by the authority of this House would be most mischievous; and if the Right Honourable Baronet opposite entertains any doubt on the subject, I am sure that I need only refer him to the Right Honourable Gentleman at his side, who will be able to convince him on the point. With regard to the matter suggested by the Right Honourable Baronet, I can with confidence refer him to the Report on the subject, which will furnish him with all the information he might require.

Mr. FORBES. — I am willing to leave Ireland out of my motion. I did think it was only consistent with my duty to move for a Return of the expense of collecting the duties.

The Return, as amended, " of the number of bricks upon which duty has been paid between the 5th of January, 1836, and the 5th of January, 1838, in England and Scotland, distinguishing the number of bricks upon which duty has been paid in each county, and the amount paid thereon respectively, was then ordered.

UPPER CANADA.

Mr. HUME. — I rise to move for the Returns. As I understand no objection will be made to them, I will abstain from the observations I did intend to make. I move for an address for " Return of the titles of the Acts of the Legislature of Upper Canada passed since the arrival of the Governor (Sir F. B. Head) in that province, which, by the Act of the 31st of George III. c. 31. s. 42., ought to be laid before the British Parliament previous to the sanction of the Crown being given to them, stating when the said Acts were passed in Upper Canada, and the dates when laid before the House of Commons, and the dates when they received the sanction of the Crown: Also,

Copy of the Act of the Legislature of Upper Canada, to establish a Court of Chancery in that province, stating when Sir F. B. Head gave the sanction of the Crown to that Act, and whether that sanction has been confirmed by the Crown, and when: Also,

Return of the establishment of the Court of Chancery lately established in Upper Canada, stating the names of the judges and officers appointed by Sir F. B. Head to that court, and the salaries and allowances granted to each.

The question was put, and agreed to.— Returns ordered.

LOWER CANADA.

Mr. HUME.—The next Return I intend to move for, has reference to the state of education in Lower Canada. I am sorry that the Right Honourable Member for Coventry is not in his place; for if he had been, I believe that the Right Honourable Gentleman would have availed himself of the opportunity of giving an explanation of a statement he made the other night, — that not more than two in a hundred of the constituency of Lower Canada can read or write. I believe that the Right Honourable Gentleman, in his statement, alluded altogether to the elder part of the population, and not to the rising generation. I am authorised to state that, since 1838, there have been founded in that colony 1216 schools, with not less than 65,000 scholars. This is a very large proportion, for the whole population of the colony does not exceed 800,000. It was also stated, in that which I believe to be the best history of Lower Canada, namely, that written by Mr. M'Gregor, "that the schools are under the protection of the Government, and that they were established principally during the last six years. Indeed, in every parish, and in almost every settlement, a school has been established, which is open to all classes, without any distinction as to religion, and both sexes are instructed in English and French. The number of these schools is upwards of 1200, and the scholars of both sexes are not less than 65,000." The authority of this gentleman is probably to be relied on, for he is at present employed by the Government on some important statistical investigations. I believe that the House of Assembly of Lower Canada wished to devote 50,000*l.* a year to the purposes of general education in that colony, but the Legislative Council rejected the Bill for the purpose. The plan is, therefore, now in abeyance. According to the Return I have just referred to, the proportionate state of education at present in the colony is greater than it is in this country. So much for the statement as to the want of education in Lower Canada: and I have no doubt, if opportunity be afforded for inquiry, that other charges which have been brought against the colony will turn out to be as false and calumnious as that which has been put forth as to the want of education. I shall conclude by moving for a "copy of the Acts of the Parliament of Lower Canada, passed since 1828, for the promotion of education, and the establishment of schools in that province; together with a copy of the last Report made to the House of Assembly, of the state of education, and of the number of schools and scholars in each county, and the numbers in the whole province."

On the question being put,—

LORD JOHN RUSSELL said: — I regret that my Right Honourable Friend is not present, as the Honourable Gentleman has alluded to what fell from him a few nights ago. The Honourable Gentleman says that my Right Honourable Friend has fallen into an error respecting the state of education in the colony; but I do not think that what has been stated by the Honourable Gentleman affects, in the slightest degree, the statement of the Right Honourable Gentleman, or of any other person, on this subject. My Right Honourable Friend said that the constituent body, the persons by whom the House of Assembly of Lower Canada is elected, are remarkably ignorant; and that the very great majority, as he says, and a large proportion, as others assert, can neither read nor write. The Honourable Gentleman now says, that there has been a great deal of education going on in Lower Canada since 1828; but my Right Honourable Friend did not allude to what has taken place during the last nine years, or since 1828, from which period a great many schools have no doubt been established. Nobody denies that education has recently increased in Canada; and I have myself stated, that very large grants of money have been voted since 1828 by the House of Assembly, for the purposes of education: but it must be recollected, that none of those who could have profited by the education so provided, can be at present older than mere boys. Nobody says that the House of Assembly is opposed to education; but, at the same time, the statement originally made is far from being calumnious, for it is well known that a very large proportion of the adult population are uneducated.

Mr. HUME. — The statement of the Noble Lord merely rests on his own authority; he should produce something like proofs, if he wishes to remove all doubt on the subject. The charge of ignorance, however, does not justify our depriving the people of Canada of their constitution. If this be the case, the ignorance of the people in many parts of England would afford a justification for taking away their civil rights.

SIR R. PEEL. — I did not, when the Right Honourable Member for Coventry stated that the people of Canada were educated in the proportion only of two in a hundred, understand him to pledge himself as to the precise number of the educated and uneducated people there. I believe the Right Honourable Gentleman meant to imply, that the state of education is so limited in Canada, that a great part of the population who enjoy the elective franchise, are not able to form a very accurate judgment on the matters involved in dispute.

The CHANCELLOR of the EXCHEQUER. — It would have been much better had the Honourable Member for Kilkenny taken an opportunity of moving for these Returns at a time when my Right Honourable Friend the Member for Coventry was in his place, or that he had abstained from any remarks upon the subject. None can deny that there is a great number of children now receiving education in Canada, — certainly my Right Honourable Friend cannot, for no man has made greater efforts in forwarding education in Canada than he has. My Right Honourable Friend has spent much of his time and of his money in effecting this object; but if my Right Honourable Friend's opinion were referred to, he would say that the schools were more frequented by the children of the English than of the French.

The motion was then agreed to, and address ordered.

POOR LAW AMENDMENT ACT COMMITTEE.

On the motion of LORD JOHN RUSSELL, power to report the minutes of evidence from time to time to the House.

RATING OF TENEMENTS.

On the motion of LORD JOHN RUSSELL, select committee appointed to consider of the payment of rates to which the occupiers of small tenements are now liable by law.

Committee to be nominated to-morrow.

DIVISIONS.

Mr. HUME. — I rise to submit a motion which has been two or three times discussed and agreed to by the House, but yet it requires some further form to carry it into effect. It must be evident to all, that very little of what passes in committee is known, until it is reported in committees of supply. No notice is taken in the Journals of the House of what passes, though 100 votes be agreed to. Now, it ought to be known by those who are not present, what is done in committee, in order that they may, if they think proper, be ready to oppose it when the Report is brought up. My present motion applies only to divisions; the names are already printed in the Appendix to the Votes, as well as the words of the motion or amendment; but I think that it would be more convenient to have the words of the motion or amendment, when a division takes place, printed in the body of the votes. I am aware that what I propose will, in some degree, increase trouble, but I think that the advantages that will result from it will afford an ample compensation. I beg to move, "That every motion, in a committee of the whole House, in which a division takes place, be recorded and reported in the votes of the day, and the number of names of the Members voting be recorded in the same manner as in divisions of the House."

On the question being put,—

Mr. GOULBURN said: — I do not intend to object to the motion, but I do not clearly understand the object of the Honourable Member. It appears to me that this system already applies to divisions, for the divisions are always reported in the votes of the day. If, however, there were several divisions in committee, with the numbers and names of the Members voting, to be repeated, it would render the votes so voluminous as to be most inconvenient. The Honourable Gentleman seems to think that a distinction might be made between the important and unimportant divisions; but if they are recorded at all, they must be recorded for every motion; and if this occurred frequently in one evening, it would be impossible, on the following morning, to understand the votes without comparing them with the Bills. I hope the Honourable Member will consider this, and how utterly useless such a plan would be, so far as being any reference to the proceedings in committee.

Mr. WARBURTON.—My Honourable Friend the Member for Kilkenny has anticipated the objection which the Right Honourable Gentleman has made. My Honourable Friend sufficiently draws the distinction. He proposes that such amendments as are thought sufficiently important to divide upon, only, shall be inserted in the votes.

MR. GOULBURN. — I much doubt whether it could be made intelligible, without printing to a very great extent. We have frequently amendments proposed in committee, upon which divisions take place, to this effect, — to leave out all the words after a certain word. How would that be understood, without printing in the votes the whole of the clause or vote?

MR. HUME. — If any one will take up the votes of the last Session, they will see the necessity of some such arrangement as I have proposed. There, many most important amendments were moved in committees of supply, of which our Journals take no manner of notice.

LORD JOHN RUSSELL.—It appears to me that the question for consideration is, whether that which at present stands recorded at the head of the list of numbers and names of Members voting, should be recorded in the body of the votes. In my opinion it would be no inconvenience, and would be in uniformity with the other votes. It has already been done in one case, namely, the Duchess of Kent's Annuity Bill.

MR. HUME. — If it was done in the case to which the Noble Lord has referred, what objection can there be to following the same course in all other cases? I understood this system was to have been adopted last year; and I must say, that I can see no reason whatever against its being done now.

The SPEAKER.—I am most anxious to afford every facility in my power, as to the convenience of the House with regard to the early printing and delivery of the votes. The House, I am sure, is aware that the votes should be drawn up in such a manner as not to be too voluminous, so that they may be printed and delivered as soon as possible in the morning. Most Honourable Members are anxious that the votes should be delivered at their several residences before they leave their homes in the morning; and I hope that the House will not hastily come to a decision which would swell the size of the votes in such a degree, that it would often happen that they could not be printed until a late hour. If the Honourable Member chooses to leave the matter in my hands, I will endeavour to adopt some arrangements to meet his views. I will avail myself of the present opportunity, of making a suggestion in another matter connected with printing the votes. It often happens that, when the House is engaged until a late hour in a debate of importance, several orders are left to be postponed or disposed of at two or three o'clock in the morning. It would be a great advantage, as regards affording facilities for printing the votes, if a quarter or half an hour were given, in the early part of the evening, to the disposal of those orders.

MR. AGLIONBY.—I do not think that the object of the Honourable Member for Kilkenny would interfere with the suggestion of the Right Honourable Gentleman in the chair. I apprehend such an arrangement would not occasion any loss of time.

MR. BORTHWICK. — It appears to me, that all the Honourable Member requires has been already done.

MR. HUME. — I have no wish to put any additional trouble on the printer. The only difference is, shall it be in the Appendix, or in the Votes? I am willing to leave the matter in the hands of the Chair; and will, with the permission of the House, withdraw my motion.

The SPEAKER. — I merely take the liberty of suggesting, that it is not desirable, unless it be shown to be necessary, to increase the magnitude of the votes. It must be a great inconvenience to Members, if they were not to receive the printed votes early in the morning.

BANKING COPARTNERSHIP BILL.

The CHANCELLOR of the EXCHEQUER moved the Order of the Day for going into committee on the Bill.

The House then resolved itself into committee. The several clauses were agreed to.

The SOLICITOR GENERAL.—With respect to the question of costs, I propose that, when the Act is brought into operation, it shall be competent for the court to order the costs to be paid into court. This, I think, would be better than paying the costs into the defendant's hand: there can be no doubt that the court will give the full costs that the plaintiff is entitled to.

SIR E. SUGDEN. — There is no doubt that the necessity of the case justifies this measure; but the committee would not be justified in going beyond the necessity of the case. I do not see on what ground the party should not have those costs to which he would have been entitled but for this Bill. All the Honourable and Learned Gentleman proposes to do, is — to give the court the discretion to decree as to payment of costs. I do not agree to that; and, if necessary, I shall take the sense of the committee against the proposition. I do not wish to give costs in improper cases, but I think the House is bound to place the party right in point of law in respect of the costs. You ought not to deprive him of that right, which but for the *ex post facto* operation of the Bill he would have had. I do not think I differ from the Honourable and Learned Gentleman in point of principle, but I cannot consent to leave the matter to the discretion of the court; I have no objection in cases of difficulty to refer the subject to the Master, for him to say, if, in his opinion, the defence would have succeeded had it not been for this law, and to award costs accordingly. But I cannot consent to any principle by which the party entitled to costs might be deprived of them.

The SOLICITOR GENERAL. — There is only this difference between us and the Right Honourable and Learned Gentleman; — we propose to refer the subject of costs to the court; the Right Honourable and Learned Gentleman proposes to leave it to an officer of the court. I have no particular partiality to the words I have proposed: if the Right Honourable and Learned Gentleman can suggest others that are preferable, I am willing to agree to them.

The CHANCELLOR of the EXCHEQUER. — Our great object has been to prevent parties obtaining costs in cases where they would not have been entitled to them if this Bill had not passed. If the Right Honourable and Learned Gentleman can propose any better means for effecting that object than leaving it to the discretion of the judge, I have no objection; but it appears to me that the judge is the most proper person to decide upon the matter.

SIR E. SUGDEN. — My only object is to secure the right to costs where the parties would have been entitled to them if this Bill had not passed.

The SOLICITOR GENERAL. — I am willing to consider this matter, in order, if possible, to meet the Right Honourable and Learned Gentleman's objection.

Mr. COURTENAY. — I rise to move that an additional clause be added to this Bill. This decision of the Court of the Exchequer, has caused very considerable alarm, particularly with life and fire assurance offices. All their securities are good for nothing. No office with which a clergyman is connected is safe.

I shall therefore propose a clause to this effect, " And whereas doubts have arisen, whether the business of life and fire insurance, be not included within the meaning of the 57 Geo. III. cap. 99., and it is expedient that such doubts be removed, be it therefore enacted, and it is hereby enacted, that the business of life and fire insurance companies shall not be deemed to be or to have been included under the said Act."

The SOLICITOR GENERAL. — I certainly told the Noble individual, and the other members of the deputation who visited me this morning, that I saw no objection to this clause. But I now find that it would do them no good whatsoever, in respect of the evil which this Act has for its object to remove. Now, that evil is this, that the 57 of Geo. III., renders void all contracts which may be made by spiritual persons engaged in trading, and various speculative undertakings connected with trade. Now, I propose in one part of this Bill, to repeat these very words, which the subsequent repealing words will therefore include. But the clause of the Honourable Member (Mr. Courtenay), goes further than this — for it declares that life assurance associations, are not within the meaning of that Act. The Honourable Gentleman suggests, that at all events this would be good law. I dare say it might be, but I not think that it would be fair at all to other parties, who are concerned in the maintenance of the present law on the subject, to sanction such an alteration as it is proposed to insert in the preamble of this Bill.

SIR W. FOLLETT. — I perfectly agree with my Learned Friend the Solicitor General, as to the difficulty of introducing this clause into the Bill. But if my Honourable and Learned Friend (Mr. Courtenay) means to repeal the liability of joint stock companies for banking and other purposes, as well as those associations to which his clause more particularly points, there is no doubt in my mind, that they would be included within the scope of the Bill. I apprehend, therefore, that the clause which he suggests would do harm instead of good, if it is to be confined to any particular class of societies or associations. But there is another important part of the statute of 57 Geo. III., which does not appear to have been sufficiently attended to in this Bill. Now, that decision of the courts, out of which the necessity for this Bill arises, we are bound to presume, was right, and I feel, with my Right Honourable Friend, all the inconveniences which may result from the House of Commons being called on to set right the decisions of courts of law; but the effect of such a decision as that in question, may be serious, as that decision was unexpected, or as it may affect the most meritorious associations. Let us now see what is the nature and operation of this Bill. This Act is introduced to render the Act of Geo. III. invalid, as to its operation on joint stock companies having clerical members. My Honourable Friend will recollect that there is a clause in the 57 of Geo. III. which renders all parties to such companies, who shall purchase goods, under these disabilities attaching to their connections with spiritual persons so engaged in trading operations, liable to treble the value of the goods so purchased. Now, this will be the case of such individuals connected with any joint stock trading companies. It never could be understood to render any persons, being laymen, members of these joint stock companies, liable to this penalty, — otherwise binding on such companies, comprehending clerical members, for buying and selling goods. I certainly do approve of the Bill as it now stands. At the same time we ought to be extremely cautious how we introduce any new legislation on these subjects.

Mr. AGLIONBY. — I am very glad that the Honourable and Learned Member (Mr. Courtenay) has turned his mind to this subject. It is very important to the best interests of society that such valuable institutions as assurance companies should not be put in any condition of jeopardy or alarm. I think that the case which has been put was this; — that a clergyman being a guardian and trustee, had insured his life in an office, in which, inasmuch as by its rules he became entitled, in virtue of such insurance, to a share in the general profits of the concern, he became a partner within the meaning of the Act 57 Geo. III.

The CHANCELLOR of the EXCHEQUER. — It was my intention, undoubtedly, to extend the provisions of this Bill so as to protect life assurance companies. The very first thing which struck me, on going over a statement of the facts of the case which has been alluded to, was to see how the existing Act would bear upon these, with other associations, among the members of which clerical individuals were included.

Mr. MATTHIAS ATTWOOD. — I fear that, in our anxiety to get rid of a difficulty, arising out of a peculiar operation of one of the enactments of a statute, which has been described as being very beneficial in its general bearings, we lose sight of the inconvenience and danger of interfering with the ancient legislation of England. It should be remembered that if you repeal the statute of Geo. III. you will encourage clerical persons to become partners in joint stock companies, for various objects connected with the manufacturing and shipping interests, mining, and so on. Consider their responsibility in such capacities. Many joint stock companies now in existence, comprise from 20 to 50, from 50 to even 500, partners. On the other hand, some very large joint stock companies are carried on by the owners, perhaps of twelve shares, of a very large amount each. The House is now to consider whether it will throw the door wide open for the admission of clergymen into all these various partnerships and pursuits? I own that I do not see the force of the observation which has been touched upon by my Honourable and Learned Friend the Member for Exeter (Sir W. Follett). No clergyman can be said to embark in such concerns without a due knowledge of his liabilities in so doing. He does know — for he is bound to know — the law which so emphatically means to disqualify him from entering upon engagements of this nature. Let the House reflect for a moment upon the serious step which they are about to take. The case upon which this application to it arises grows out of a very recent decision of her Majesty's Court of Exchequer. Two parties apply to the Court of Exchequer, to adjudicate between their respective rights. An appeal on the ground of a grievance, sustained by reason of the Court's decision on that application, has been made to this House, and it is called upon to interfere, by its legislation, to remedy that grievance, and guard against its recurrence. Is not this neither more nor less than for the House of Commons to interfere with the solemn decision of a court of justice? In these cases we say, "The decision was legal, but it was not equitable." But is it the privilege of the Parliament to reverse the decisions of the courts of law? You have nothing to do with the question of equity. Equity you must leave to the courts of equity to provide. I am of opinion that at any rate the alteration which you propose to make in the law is one which you ought to confine to joint stock banking companies, — perhaps to life and fire assurance companies,— perhaps it might be well, even, to confine its operation to the case of joint stock companies incorporated by Act of Parliament, ——

[Cries of "No, no!"]

Why, most joint stock banks, and most assurance associations, are incorporated by Act of Parliament.

An Honourable Member. — Not all.

Mr. M. ATTWOOD. — No. I did not say "all," but most of them. But now I come to what the Right Honourable the Chancellor of the Exchequer has said, about the hardship which might accrue under the existing law to a clerical individual becoming a member of one of these companies; and he instances the case of an Archbishop of Canterbury, for example, becoming a member of any joint stock banking association within his immediate district, and whilst intending to further the objects of a useful society, awakening the penalties of the law. Why, Sir, that which the Right Honourable Gentleman here assigns as a reason why the law should be repealed, is, in my judgment, the very strongest reason why it should not be repealed. What right, I would ask, has the Archbishop of Canterbury to be a member of any trading company whatsoever?

SIR ROBERT PEEL. — I am much inclined to think that in matters of this kind, the necessity of the case does justify a departure from a principle which ought to be observed as a general rule, namely, that we ought not to interfere with the decisions of a court of law given under an Act that has already passed. Nothing but the preponderance of some extensive or general evil which would be likely to arise from persisting in such administration of the existing law would justify, in any case, our departure from the general course I have mentioned. At the same time, we ought to give a perfectly free course to the interference of Parliament if we are once satisfied that the decision which has been given in the Court of Exchequer on this occasion is such as really to demand our interposition. If this were a mere question between the want of an equitable jurisdiction and a simple private case, where two individuals were contesting a point, I might agree with my Honourable Friend near me (Mr. Attwood). I do think it would have been of great advantage, if, immediately on this sentence being pronounced by the Court of Exchequer, the Chancellor of the Exchequer had proposed a select committee, to consist of the most eminent legal authorities in this House, in order to consider and report upon that decision of the Exchequer Court. Now, the first good effect of such a proceeding would have been, to have put upon a permanent record our reasons for setting aside a decision of the Court of Exchequer. At present, from the nature of the course which has been taken, the grounds of that decision and of our proceeding, do not appear upon our Journals. I think it would also have been of advantage if there had been a short Report, setting forth the present condition of the law and the facts of this case. I know that expedition was much required in this matter, but I am afraid, from the hurried manner in which we have acted in it, we may find, after the Bill has passed, that it has omitted many points which ought to have been included, and, consequently, that the necessity may arise for further legislation.

The CHANCELLOR of the EXCHEQUER. — I was much disposed, in the first instance, to take the course which has been pointed out by the Right Honourable Baronet who has just sat down, but many difficulties interposed to prevent me from doing so. I must state that the Government were quite clear upon one point, namely, as to the necessity of providing a remedy for the very anomalous state of things which arose upon this decision of the court. We took upon ourselves the responsibility of introducing this measure, in the hope of avoiding that confusion, which was likely to arise from the nature of the decision in question. Had we, after the urgent representations made to us, hesitated to interfere, I am very sure that the Right Honourable Gentleman would not have been one of those who would have approved of the delay. We should have heard of nothing but the desire of the Government to shelter themselves from their proper share of responsibility — of nothing but the timidity of the Government, and the uncertainty of the House of Commons as to the course of its daily proceedings. But if we had acted upon the principle suggested to us by the Right Honourable Baronet, I should, in the first place, have objected to the appointment of a select committee to inquire into the grounds of a decision of a court of law. If ever there was an objectionable course to be taken, that would have been such. Suppose that we had left out all the legal Gentlemen from this committee who might then have been absent on the circuit, and that after a time we had brought forward a Report which should have upset (if you will) the decision of the judge in the Court of Exchequer; why, after the delay of twenty-four hours only,—not to speak of some days, — our hesitation, as is well known to those who are best acquainted with these subjects, would have involved all England in the most entire and hopeless confusion. The Right Honourable Baronet may believe me when I say that within a few hours after this decision was given, the solicitor of a man against whom a *fiat* of bankruptcy had been issued, at the suit of a large joint stock company, called upon the secretary of that company, requiring him to enter into a compromise of 50,000*l*., on the ground that all their acts had been invalidated by reason of their having certain clergymen among their members. We should have afforded a pretext and facility to every fraudulent person in the land, it is evident, to come in, and thus escape, where his liabilities happened to be in this direction, in the same manner. A delay of twenty-four hours would have been fatal. But other arguments, that must carry conviction with them, may be adduced for the course we have adopted. We are charged sometimes, very inconsiderately, with delay; at others, with equal inconsistency, with precipitation. Now, the only precedent to which I have been able to refer, at all analogous to the present case, is that of Wright, the celebrated informer, ; by whom 330 informations were brought against non-resident clergymen. The parties proceeded against came to Parliament for relief; and on the same grounds upon which we now propose, acting upon the necessity of the case, and with a due regard to justice, to administer relief in the present instance, the Parliament afforded it in that memorable instance to which I refer. I say n, therefore, that on the strength of the principle which it was here necessary to establish against the existing law, for the sake of justice, and with a due regard to the necessity of removing the alarm in which, at the present moment, all these valuable associations are involved, and in which the interests of so many of the most valuable members of the community are deeply involved,—I say, that we were justified in taking that course which we have adopted, and which I am satisfied that this House will certainly confirm.

SIR EDWARD SUGDEN. — I confess that I am greatly surprised at the course which has been taken by my Right Honourable Friend the Chancellor of the Exchequer, on the present occasion. I understood the Right Honourable Baronet the Member for Tamworth to suggest that the appointment of a select committee would have been a very beneficial course of proceeding. Why, Sir, nobody doubts that that ought to have been the course taken. This is now only a question of time which we are to consider; for I, for one, am convinced that it would be impossible to pass this Bill without a full investigation into all the facts and circumstances of the case. The Right Honourable the Chancellor of the Exchequer states that the conduct of the Government has proved that it has not been actuated by anything like intimidation; and he appears to suppose that the danger of appearing obnoxious to such a charge, has justified the course which he has taken. Now, questions of this nature are the most important which can be referred to a committee, and I do not understand why the proposition of such a reference should present itself to the Right Honourable Gentleman, as one his acquiescence in which, would infer timidity on his part. I do hope, however, that the Right Honourable Gentleman will clearly understand, that in consenting on this occasion, to pass the Bill propounded to us, we act upon the clear understanding that the whole effect of the measure, and of the law out of which it arises, will be clearly investigated; and that it will be also understood, both in this House and out of it, that this is a matter which is not to be left on its present precarious and unsatisfactory footing. My Honourable Friend near me did seem to propose that small joint stock companies ought to be the exception to the application of this measure. Now, I beg to tell my Honourable Friend that this Bill does not meet that particular case; nor can it do so, unless a specific ground be laid for such an enactment in the body of the Bill.

Such a clause would lead to all the inconveniences that have been pointed out by my Honourable and Learned Friend the Member for Exeter (Sir W. Follett). It would seem at once to exclude those companies not mentioned by name in the Bill; and it would vitiate its general object.

Mr. COURTENAY.—I feel the full force of the observations which have been made by the Honourable and Learned Solicitor General, and the Right Honourable and Learned Member for Ripon (Sir Edward Sugden); but it is my intention to remove, if I can, the general misunderstanding that appears to prevail around me. My object was, with a view to the protection of the companies or associations in question, to have this proviso inserted *pro majore cautelâ*. I will, however, with the permission of the House, withdraw my clause. There seems to me, to be some strange misapprehension, as to the facts out of which the case for this Bill has arisen. Now, Sir, there has been no decision of a court of law on this case. There has been only an intimation of the opinion, which it is most probable that the judges will come to, after they shall have heard all the facts, and the arguments upon them. No declaration of opinion has yet been expressed, and therefore, there is in this case, no interference with the judicial decision.

Mr. MARK PHILIPS.—I think that what has been stated by the Honourable Gentlemen who have preceded me demonstrates that the step which is about to be taken is one of very doubtful expediency. It shows that he is prejudging a case which is still, as it were, under adjudication. The Chancellor of the Exchequer has referred to the case of an individual, with some expression of a strong feeling in relation to his conduct. I am happy to be in possession of a letter from that individual, in which he states, that, a fiat of bankruptcy having been issued out against him, it was his determination to oppose a decision of the commissioners, which he conceived, and still conceives, to be illegal; and that it was upon this ground that he made the offer which the Right Honourable Gentleman has so animadverted upon, of entering into a compromise with the parties in question. Now if this be so, in the case of this individual, how many hundreds of other individuals, before the end of the week,—who, I am sorry to say, have as little of scruples as of means,—may be disposed to take advantage of the present state of the law, and—availing themselves of the decision which has been given by the Court of Exchequer—resist payment of their lawful debts. Under these circumstances, I do feel that her Majesty's Ministers have to grapple with a very great difficulty.

SIR ROBERT PEEL.—I really must say that the opinion which I just now ventured to express to the House is entirely confirmed by what I have heard from my Honourable Friend (Mr. Courtenay); for, at the time my Honourable Friend spoke, the House laboured under, I believe, an universal persuasion that there had been a decision in this case. The Right Honourable Gentleman the Chancellor of the Exchequer so spoke of it in his address to us; and now it appears that, in point of fact, there has been no decision given!

The CHANCELLOR of the EXCHEQUER.—No, the fact is, that judgment has been pronounced on this point; but upon another, the judges have reserved their decision.

Mr. COURTENAY.—I have the short hand writer's notes, in which he says that a special demurrer on behalf of one of the parties was entertained. The judges stated that they would discuss it as they had done before, with a view to the intimation of an opinion, which, therefore, they considered it necessary to give at some time hereafter; thus inferring that no decision had yet been pronounced by them on the case.

SIR ROBERT PEEL.—Then I am right; there has been no such decision pronounced. It does still appear to me that it would have been well for the Right Honourable Gentleman to have laid before the House, in the first instance, a statement which should have exactly instructed us how the facts of the case stood. Really there never was a more unnecessary display of political courage than the Right Honourable Gentleman has made on this occasion. Who accused him of timidity? I myself admitted that the law ought to be altered. But, no; the Right Honourable Gentleman the Chancellor of the Exchequer is pleased to state that her Majesty's Government would have been charged with timidity, had they acted in a different manner from that which they have adopted; and he takes much credit to himself for the course he has pursued. "See here," said the Right Honourable Gentleman, "what a magnanimous Government we are in bringing forward the present measure on our own responsibility!" Now I can give the Right Honourable Gentleman no credit, either for the course he has embarked upon, or the magnanimity he has displayed in so embarking on it. To me it seems clear that the grounds of proceeding ought to have been put on record, and the present measure ought not to have been brought forward simply on an opinion pronounced by a judge of the Court of Exchequer. There are some subjects of far less importance, with regard to which the Government did not hesitate for a moment to appoint a select committee; and there can be little doubt that the present is one of those cases which demand the institution of the fullest possible inquiry. It is agreed on all hands, as I understand it, that we should adopt such a measure of legislation in the present emergency, as shall obviate any necessity for our legislating again, next week or the week afterwards, on the same subject. The remedy ought to be commensurate with the evil; and, without the institution of some searching inquiry, it is scarcely possible that that remedy can be of an adequate nature.

The CHANCELLOR of the EXCHEQUER. — I have no wish to carry this discussion any further. I have really taken no credit to myself for having brought this matter forward; though I do feel satisfied that the course we have pursued was one perfectly justified by the circumstances. I merely alluded, as I thought, in the slightest way, to objections which would have been — or, at least, might have been — taken to us, had we proceeded in a different course. As to what the Right Honourable Baronet has said with regard to my fears of appearing timid, I beg to say that there are many gentlemen now sitting near the Right Honourable Baronet, who know that myself and my colleagues in the Government were not indisposed to Act on the suggestions of the first Report of a committee which was nominated three years since.

SIR ROBERT PEEL. — Does the Right Honourable Gentleman mean the Session before last, when it is true that a committee on the subject of joint stock banks was appointed upon a motion from that side of the House, but which did not report, I think, until just as the House was about to rise?

Mr. M. ATTWOOD. — Nobody sees more strongly than I do the necessity for a remedy against such grievances as it is clear have occurred in the present instance. But then I would limit, for my part, the application of such remedy to that specific case of grievance, which has been already suggested. But when you come to open the wide door, which you are proposing by this Bill to do, to try whether, in all the various works and undertakings in which capital can be embarked by a combination of partners, clerical persons shall not be exempted from the present operation of the law, I must say I see great objections presenting themselves to such a proposition.

The SOLICITOR GENERAL. — It seems to me that this case was decided by the judge who tried it. The action is brought against the defendant. He pleads in bar this: — "I am not liable to pay, because two of the persons who are plaintiffs with you are spiritual persons." To this case, the plaintiff puts in two answers; one is, that the defendant's is no defence; the other, that it is something else. Now the formal defence has been argued; and I say that the Court of Exchequer have decided that it is a good defence to say that two of the plaintiffs are spiritual persons, and therefore within the scope and meaning of the 57th of George III. True it is that the court cannot yet have given judgment on the whole of the case, because, as I have shown, the argument on one part of it is still reserved.

Mr. COURTENAY. — I quite agree with the Learned Solicitor General, that the intimation of an opinion on the part of the judges as to the validity or invalidity of a defence, set up in any case which may be pending before them, is of as much consequence to show the legal bearings of the question before them, as a more solemn and formal decision. Still, in the present case, I must contend that judgment has not passed; and though I agree with the Solicitor General in this, — that his statement makes a very important difference in the case, so far as the Legislature is concerned, and willingly allow that it is important to understand whether this was only the intimation of an opinion, or a solemn judgment; I must yet contend, on the authority of the shorthand writer's notes, that this dictum was not of the latter description.

Mr. PEASE. — I am quite as much alive, as any other individual in this

House, to the importance of the question before it; but I do agree with the Honourable Member for Whitehaven, who spoke from the benches opposite, that it is painful to see, and expedient to prevent, any clerical persons becoming the stewards of other men's means, and speculators with their own. I do object, upon the general principle, to legislative interference with any man in the disposal of his own private means. But at the same time, if a man be so sordid, after dedicating himself to the clerical profession, as to become mixed up with undertakings of this sort, nothing can reclaim him to a sense of his superior duties in a higher calling. But I do know some cases in which spiritual persons have engaged in speculations, sometimes of an unfortunate nature, and have actually overrun the whole of the neighbouring district with issues of their own paper. An Act of this nature becomes indispensably necessary, when cases of that kind are of actual occurrence.

The CHANCELLOR of the EXCHEQUER. — That which has just been observed by the Honourable Member for South Durham, shows the necessity for this law. Now let us suppose the case of a mining company with 200 or 300 copartners, in which some clerical person has, either in his own ignorance, or in defiance of the Act, become a partner; but what is the effect of your Bill? Why this; the effect of such a decision with respect to such individual would be, not simply to invalidate his own acts, but those of the whole company. I think that the Honourable Member for South Durham must feel that the continuance of such a state of the law is an enormous evil.

Mr. PEASE. — That is not quite the fact. I say that the situation of these clerical parties is one which is expressly described and recognised in preceding Acts, and that you ought not to give them relief where they contravene or violate the provisions of the statute of George III.

Mr. MAULE. — With respect to the case suggested by the Chancellor of the Exchequer, where a clegyman being a member of an assurance company may become one of its directors, it does seem to me that by so doing, a clergyman would undertake a position the duties of which he might perform in perfect compatibility with his clerical functions. In that case the usual responsibilities attaching to directors would attach to him, and no remedy could be devised were it ever required to exempt him from them. It would be well, perhaps, to insert some words which would include clerical men, being simple shareholders as well as directors. It would always be a difficult matter to make out, on the construction of the Act applying to these cases, whether a man should be considered a director or only a shareholder. Let the clause you introduce therefore be so worded that it shall be declared that the operation of the 57 Geo. III. shall not apply to any members of such companies or associations, whether they be clerical persons or not. But I do object to the extraordinary part of the Bill which goes to deprive parties, in cases already adjudicated, — as for instance in this very case, where the defendant has obtained a judgment in his favour on one point of the benefit of such a judgment. After parties have appealed to a court of law, is it fair to deprive them of the benefit of any award which may have passed in their favour?

SIR W. FOLLETT. — As to the question whether this clause shall have a retrospective or only a future effect, I think there cannot be a doubt that, in either case, it ought to include all parties. If you make your Bill retrospective, it ought to contain no such limitation as has been proposed. I think, under the preamble, many alterations will be expedient to be made. As to pending suits, I do not think that my Honourable Friend is right in the argument which he has raised on this point. I think in the cases of proceedings under the Municipal Corporations Act, pending suits were not excepted out of the remedial Bill which was passed; neither were they in the case of the *qui tam* actions which were brought by Wright against the clergymen for non-residence, neither were they in the more recent cases under the Newspaper Stamps Act. I think that the case which is brought before us, on this occasion, is one that clearly demands an immediate remedy. Nothing can prove this more clearly than the defence set up on the part of the bankrupt. I think that the Honourable Member for South Durham (Mr. Pease) need not be at all alarmed about our opening a door, as he seems to suppose, for admitting deans and chapters into joint stock speculations for sinking mines and raising minerals. The general propriety of permitting the clergy to become partners in voluntary associations,—in associations, for example, for life assurance and other analogous purposes, —is a very serious question. I, for one, am not prepared by any means to go to the extent of that limitation which some others would impose upon them in these matters. There are many occasions, many instances in which, without any neglect of their sacerdotal functions, or any injustice to their own families, they may fairly embark in those undertakings the value of which, to the community, after all, no one has attempted to dispute.

The SOLICITOR GENERAL. — It is not my intention to detain the House any longer on this subject; but it is proper I should state, that it was my intention, originally, to exclude clergymen who were directors. But there seems to be a general feeling in the committee that clergymen ought to be included; and therefore I (who have no sort of personal feeling on the subject) will not press the matter. Still *ex abundante cautelâ* some verbal alteration it will be proper to introduce into the preamble.

SIR EDWARD SUGDEN. — I cannot help observing, that the preamble is very vague; that it alludes to a great number, or rather to different classes, of persons, in a way so as to render it doubtful who in particular are really alluded to in the recital. Now here is a subsequent clause, in which these words occur in reference to this very preamble; namely, "carrying on such trades:" but if you refer to the preamble, you will find it impossible to ascertain what are the trades here meant to be designated.

The SOLICITOR GENERAL. — I really think that if my Right Honourable and Learned Friend will look again at the words, both of the preamble and the clause, he will find that this part of the Bill, at least, is very clear; and I cannot see the necessity for any alteration of it.

SIR ROBERT INGLIS. — To avoid the ambiguity at present existing in the preamble, I will propose to insert the words "not exceeding six," instead of the words which are now here, "a great number."

This amendment was adopted; the House then resumed, and the Report was ordered to be received to-morrow.

MESSAGE FROM THE LORDS,

That they have agreed to Lower Canada Government Bill, with amendment.

COAL TRADE (PORT OF LONDON) BILL.

On the motion of Mr. LABOUCHERE, this Bill was read a second time, and committed to Mr. Labouchere, Lord Granville Somerset, Mr. Hume, Sir E. Knatchbull, Mr. Wakley, Mr. Pease, Sir James Duke, Sir Matthew Wood, Mr. Wood (Middlesex), Mr. Leader, Mr. Bell, Mr. Lambton, Mr. Humphrey, Captain Alsager, and Mr Finch. — Power to send for persons, papers, and records; five to be a quorum.

QUALIFICATION OF MEMBERS BILL.

On the motion of Mr. WARBURTON, the House resolved itself into committee on this Bill, Mr. AGLIONBY in the chair.

SIR EDWARD SUGDEN. — I would beg to ask the Right Honourable the Chancellor of the Exchequer, whether it is the intention of her Majesty's Government to take any part of the Bill now in committee? It is so important in its nature, that it ought to attract the attention of the Government. Having read the Bill, I must say it appears to me that the real object of it is, to give that which is not really a qualification the character of a qualification, while it provides no means of testing the qualification of any person who may be elected to represent a borough or county in this House. It withdraws any such test whereby the country might ascertain whether or not a man, being a candidate for a county or a borough, has a sufficient *bonâ fide* qualification. There may be cases at present, it is true, in which it may be possible for a man to evade the existing law; but he can only with great danger to himself so evade it. If a man claim a qualification that is derived only from another, the party so qualified must retain the qualification in his hands, and in this sense may still be considered to be in the actual possession of property to qualify. It is true that the Honourable Member for Bridport wishes, as I understand, to get rid of all qualifications altogether. Not succeeding in that, however, — finding that impracticable, — he says, "I will endeavour to devise something with the appearance of a qualification, but which is none." He brings in this Bill accordingly; and I must say that no Bill was ever more ingeniously devised for such a purpose. I am of opinion that the greater the extent of the franchise, the more reason there is for a sure and proper qualification on the part of the representative. The object of the law of qualification clearly is, that a man shall have, in substance and standing in the world, something in the nature of a security to the country that he will perform his duty to it fairly. I mean that, either by possession of means of this sort, or of talents and abilities displayed by him in working his way up, he shall afford to the society in which he lives a guarantee of his responsibility for the duties he may be intrusted with. Thus, then, a man, either by inheritance, or by his own powers and his own industry, may become possessed of property, which would give an assurance to his constituency that he will perform his duties in a satisfactory manner. Let me not be misunderstood. I do not mean to say that a man would neglect his duty because he was not possessed of property; but the possession of property is, in some sort, a security to the country, in the case of a Member of Parliament, for the proper discharge of the responsibilities of his situation. The first (and the best, because the most fixed and tangible) species of qualification, is real or landed estate. The second comprehends personal estate generally. Now, personal estate includes every thing that is not real estate. It includes his furniture, his horses, and every other possession of his, in short, that is not real property. As to making personal estate a qualification, that might be a very easy plan, but it would not be a very satisfactory one. But every body will admit that, whatever the qualification, it ought to be open to be tested. A man may say to another, "What is your qualification?" The other may reply, "My qualification? Go up and look over the house, from my attics down to my kitchen. Look how I have furnished my first floor." And the party may choose to set on this furniture a value of many thousands, or contend that, at a computation upon a given scale of prices, they would certainly yield many hundreds. In the same way, another man may have a certain reversionary interest, to which he assigns a specific value, but which interest may or may not fall in within the lapse of a certain number of years. But, now, in either of these cases, how would you ascertain the value of the asserted qualification? Would you employ surveyors or appraisers? Why, you could not resort to a more objectionable or a less efficient mode of determining the question. Again;—it is a well-known fact that those persons scarcely ever agree in the valuations which they make,—be it of furniture, or be it of reversions. There ought to be ready test of the qualification, and not a long trial, and a tedious inquiry, as to whether a man's house is full of furniture or not,—as to whether a reversion should be considered as likely, or not, to drop in within such a period,—and so on. Looking with all the candour I can afford, on the present occasion, to this clause of the Bill respecting annuities, I must say that I never saw a more clever clause,—a clause more cleverly devised to give to the eye what it denies to the understanding. It is conceived in the very spirit of the Honourable Member for Bridport's philosophy. He will excuse me if I thus characterise it. As to the oath, a man is not bound under this Bill to swear to a certain qualification, but he is to swear "to the best of his belief," and on his own estimate of all his property. If he can adduce any *bonâ fide* qualification, I am not so wedded to a landed qualification that I would refuse it. But by these clauses — I mean under them — a man might very conscientiously swear that he was duly qualified, having respect to what is called personal property, and that is all that he is required to do, and there is no mode of showing that his qualification is not good. If there were any intelligible test to be applied, I should not object to the Bill. But on the grounds that I have briefly set forth, and on others upon which I will not now detain the House, I do apprehend that this Bill ought not to be allowed to pass. Indeed, I think that the Honourable Member for Bridport can scarcely entertain a serious hope that it will pass. If the Bill, at any rate, do not come out of the committee in a very different shape, indeed, from that in which it now appears, I shall give it my most decided opposition.

Mr. WARBURTON.—I will merely remark, in reply to the observations which have fallen from the other side, that I well remember, in the debates which preceded the passing of the Reform Bill, when the qualification of Members elected to serve in Parliament came under the consideration of the House, a Minister of the Crown (Lord Althorp) stated, in his place, that it was never intended that the qualification should be indispensable and peremptory, but in order to obtain for the people that description of representatives, who, though they might not have, perhaps, the exact amount of property in actual possession requisite to give them the qualification, were yet in that condition of life, and under those circumstances in which, if called upon to do so, they would have no difficulty in raising such amount by means which are well understood among gentlemen in general. Now, that was all the object of requiring a qualification.

[Loud cries of "No, no!" and "Hear!"

Well, I give you that which was the declaration of a Minister of the Crown, and exactly as he made it.

["Oh, oh!"]

I repeat that the leader of this House, at that time, did state, openly, that it was not requisite, indispensably, that the Member returned should really possess the nominal qualification. If you ask me whether that is the construction I put upon the clause in the Reform Bill, I tell you that it is. Such, too, I contend, is the simple object of my Bill. If there were a glass window in the breast of every Honourable Member of this House, through which it might be possible to see what was passing within, it is difficult to imagine how few we should find who thought they did not possess it,— as, perhaps, it would be, to imagine how few among us really and strictly possess it. The number of petitions presented, during the present Session, against persons returned, for not possessing the requisite qualification, I find to have been not smaller than eighteen. That fact may serve to show the extent in which it is doubtful whether Members returned, as duly elected, possessed the requisite qualification or not. During the last Session an Honourable Baronet, then one of the Members for the county of Cornwall, made a motion to do away with the property qualification altogether. In the discussions which that motion gave rise to, it was stated by several Honourable Members, on both sides of the House, that they were willing to entertain the question whether or not the nature of the qualification should not extend to personal as well as real property? Whether it might not be extended to the goods and chattels? Many Honourable Members expressed themselves to this effect on that occasion. I did, accordingly, think that there was a reasonable ground for bringing forward this subject, if not of inducing the House to entertain the present Bill. For its provisions, or the mode by which these provisions are to be carried into effect, I have no particular affection, and would be glad to avail myself of the assistance and suggestions of the House towards devising any different or a better plan. I am desirous to know what it is that Honourable Members wish to propose. If they will fairly go into the question, I am prepared to meet them. I certainly do not wish to make the qualification very stringent. Perhaps the Right Honourable and Learned Gentleman (Sir E. Sugden) is not very far from the truth in condemning this property in my Bill. The fact is, I had no particular desire to make the qualification very stringent. At the same time, I have enacted only such practical modifications of the statute of Anne as I thought they would be desirous of having adopted; and if they will assist me in devising any better, I shall be higly gratified to discuss them after the Bill shall have gone, in its present form, through the committee. It will then be competent for them to suggest any additional clauses. I come, now, to the question of reversionary qualifications. In answer to the objections made by the Right Honourable and Learned Gentleman opposite (Sir E. Sugden), I would instance the case of the heir-apparent of a man, possessing himself a qualificaton of 600*l.* a-year. Now, the interest of the heir-apparent, which the present statutes consider a sufficient qualification, is, at most, but a reversionary interest.

[Cries of "Oh, oh!"]

Why, is it more? I say that its value is not more than 300*l.* a-year; for surely the reversion of 600*l.* per annum is not worth more. It may turn out, in point of fact, to be nothing. Unless the House be disposed to confer inquisitorial powers on the examiners of qualification, they cannot get a full disclosure either with regard to landed or to funded property. It is true, indeed, that we if were under different circumstances, in that respect, — if we had an income tax, for example (and I, for one, sincerely wish we had, for I wish to repudiate all other taxes),— we might then resort to a very valuable test for ascertaining a man's qualification. Then, upon the same principle as that on which, in France, every person who pays a certain amount of taxes is entitled to vote in the election of a Deputy for his district, we might give the qualification to every individual paying income tax on — say — 300*l.* a year. But, without some certain criterion of this nature, it is impossible to test qualification, even in respect of pecuniary competency. Take, for instance, the case of a secret or fraudulent transfer of the funds, and you will see the difficulty, nay, the impossibility, of effectually guarding against underhand dealings. In conclusion, I hope that the House will not take up the matter as a party question, but as one of great public importance.

Mr. PRAED. — I would either go much farther than the Honourable Member for Bridport, or I would stop short of him. That the Bill is, in some respects, an improvement, I do not mean to deny. I think, however, the Honourable Member's Bill goes too far in allowing professional income to amount to a qualification. The qualification arising from the possession of funded property is a great improvement, as far as it goes. It may, perhaps, admit of a question, whether it is desirable to have any qualification at all. The great objection to the present system is, not that it exclusively permits landed property to be the qualification, but that it gives occasion for gross frauds. That inconvenience would continue just as much under the present Bill. With reference to the quotations made by the Honourable Member for Bridport, and which he professes to find in a speech delivered by Lord Althorp, I can only say, that I never heard Lord Althorp make use of any such expressions as that it was the present intention of the statutes regulating the qualification that the construction should not be stringent, or that any such object was entertained. In the case of landed property, the title deeds may, without inconvenience, be deposited for a short time, and in the case of funded property, is it not possible to lodge with the proper office a *distringas* upon 300*l.* or 600*l.* worth of stock. If you could do this, it might be very practicable, I think, to test the qualification of personal estate. When I voted the other night, at half-past eleven o'clock, on this subject, that is, in favour of the bringing in of the Bill, I certainly did so, under the notion that it was intended to retain a *bonâ fide* qualification of some sort or other. I must certainly regret that the Honourable Baronet, now the Member for Leeds, did not introduce his proposed amendment of the law of qualification before we went into committee. My own view of the proper course now to be taken with the Bill would be, that we should strike out all those parts of the second clause to which I most object; namely, all that respect the qualification in virtue of funded or personal property.

Mr. WARBURTON. — Would the Honourable and Learned Gentleman exclude leasehold property also?

COLONEL SIBTHORP. — As far as I have read this Bill, I should be very glad to see this qualification trebled. But I very much doubt whether any person in the country, in a commonly respectable station of life, whether, for instance, some small farmer who has a tolerable stallion to take about his county to cover, would not, if he made by his horse a clear 300*l.* a-year, derive, under this Bill, an adequate qualification to sit in this House?

[Loud laughter, and cries of "Oh!" and "Hear!"]

Why, Sir, I protest, I think that such an individual, so deriving his qualification, might be better qualified, to say nothing of personal respectability, as regarded *bonâ fide* property, than many Members who under the existing law now sit in this House.

SIR R. H. INGLIS. — This is by no means an unimportant question. My Honourable and Learned Friend (Mr. Praed) has very well stated that the grand question is, what shall be the amount of a qualification? I hold that this House has decided that there shall be a qualification required; I hold that the Honourable Member for Leeds (Sir W. Molesworth) was not in order in introducing matter so irrelevant as this into his Bill. I do not agree with the Honourable Member for Bridport, that the question of representation is so vaguely understood. A case occurred two or three years ago, which did prove that though it is considered by some a mere conventional affair to grant to another a conveyance for the sake of conferring a qualification, it is held by courts of law (as a court actually did rule in that case), that the conveyance, however, meant as a mere accommodation, does actually vest in the Member, in whose favour it is nominally made. As to the qualification by income, it is of so vague a description, that it is clear a person who might have it in the country in virtue of his position and the circumstances attaching to it there, might lose it altogether on coming up to London. As to a qualification from funded property, the only way in which it would be possible to test that would be by *distringas*. I hope that what has been stated in the course of this discussion will induce her Majesty's Government to declare their opinions distinctly on the present question; which I take to be, first, whether any qualification is necessary to be had at all; secondly, whether that qualification should be limited to landed property, whether freehold, leasehold, or copyhold; thirdly, whether the principle of qualification should be extended to personal property; fourthly, whether it should be extended to professional income? Now I hold that landed property would be a much more simple and effectual qualification, in all its three classes, than any other; next, that funded property, coupled with a *distringas*, may do; but professional income I consider would be totally useless. I do hope that some of her Majesty's Ministers will favour the House with their opinion on this subject, which I take to be one peculiarly calling for the expression of such an opinion at their hands.

LORD JOHN RUSSELL. — I own it does not appear to me to be especially incumbent on her Majesty's Ministers to give an opinion on the merits of the Bill. It is a matter for general legislation, and one upon which I think Members at the one side of the House are as much called upon to deliver an opinion as Members upon the other. I must also acknowledge that it does not appear to me to be a matter of very considerable importance. I am very ready to consent to a general property qualification, because I think public opinion is in favour of it. It seems to be pretty universally admitted, that Members of this House ought to possess a certain amount of property; but as to any great practical advantage arising from the establishment of such a rule, I confess I am very sceptical about it. I do not see, upon the result of my own observation, that there is any such marked distinction between the Members returning for Scotland, from whom no qualification is required, and those for England, for whom it is required, as is sufficient to confirm the propriety of affirming such a principle.

[Loud cries of "Hear, hear!"]

Why, Sir, to be sure I may not unreasonably instance the cases of the Scotch Members and of the Members returned for our universities. Although the law does not exact, with respect to them, the test of any such qualification as you require for other Members, I do not find that they are at all less qualified to discharge their important duties in this place by reason of their exemption from qualifying. I do not, therefore, attach very great value to the qualification generally, and very little to that established by the statute of Anne, which requires a Member of Parliament to have landed property. It is a qualification, as I think, adverse to the principles of our ancient constitution, and but little suited either to the then or to the present state of circumstances. Every one is disposed to admit that a wealthy banker, without being possessed of a single acre of land, but having hundreds of thousands of pounds, is qualified to hold a seat in this House. I do not know of any one who would say that the principle of the Act of Anne is, in his case, of any essential use to this House, or that it ought to be rigidly adhered to. With these opinions, all the good I can see in a Bill of this sort is to make the law more agreeable to the feelings of the people. There are persons sitting in this House, as we do know, who have the income required by a Bill of this sort, and might declare so with perfect truth. A fictitious qualification is very objectionable, not only in itself as a matter of principle, but also because it is not confined to the Act itself, but gives rise to other loose dealings. I will say, generally, that I am of opinion that a Bill extending the qualification beyond landed property to property in the funds and other property, is a very fit measure to propose. I may add, although probably the greater part of the House may be disposed to differ from me in the opinion, that by getting a good and clear definition of what is meant by professional income, professional income would form a good and proper qualification. At the same time, I do not agree to the definition of it contained in the present Bill. I think that that part of the clause with respect to professional income, especially as it would regard officers of the army and navy, had better be left out altogether. I am not disposed to think that the proposition of the Honourable Member for Aylesbury, as to funded property, tested by a *distringas* on the stock, could be carried *bonâ fide* into effect without great trouble and vexation to Honourable Members of this House, and therefore I do think a very stringent qualification ought not to be adopted. Being thus of opinion that the clauses relating to professional income cannot be carried into effect, I have not hesitated to give this opinion of the Bill.

MR. HAWKES. — I perfectly agree with the Honourable Member (Mr. Praed) that funded property should have a qualification as well as landed property. I have been delighted to hear the Noble Lord express, on this occasion, those liberal sentiments in relation to this subject, which, on a former occasion, he did not do. I consider that gentlemen having large property, connected whether with the funds or with land, ought to be entitled to sit in this House. I know that there have been individuals, who, although in every other respect amply qualified and being possessed of large property, have yet felt that difficulty under the terms of the existing law, that they have been obliged to qualify for one particular estate as to which there might be a less degree of question than in respect of other interests possessed by them, upon the aggregate amount of which there could be no difficulty whatever in qualifying. But, on a late occasion, I deeply lament that, in reference to a question of this kind, conduct has been manifested in this House of a most extraordinary character, and I sincerely regret the disrespect which on that occasion was shown to the Chair;—a Chair for which, as long as it discharges its duties in the exemplary and satisfactory manner in which it now does, I hope that respect will always be evinced, which its decisions are entitled to. I shall certainly be disposed to support the amendment of my Honourable Friend (Mr. Praed).

SIR E. SUGDEN. — I think we are all agreed that this Bill wants some alteration; one party desires it, the other seems not unwilling to grant it. Now it is clear, that to devise such alterations in the law, must be a work of time. I should propose that the chairman should now leave the chair, and ask leave to sit again; and then name some time, at which we may go again into committee. As to professional income, I should feel a great objection to enabling a barrister for example, with a very small income, to qualify in respect of it, and thus induce him, with great injury to himself, to abandon his proper career, squandering his time, and enlarging perhaps the scale of his expenses, with an income by no means proportionably extended.

SIR R. PEEL. — One objection to the Bill is the difficulty in which it will place a party called upon by it to make a declaration in the nature of an oath. By the Bill a Member returned to this House is required to declare that, to the best of his belief, he is duly qualified to sit and vote in the House. Now, applying this provision to a man whose general professional income is 100*l.* a-year, but who, by accident or otherwise, has the year before his election realised 300*l.*, will that circumstance entitle him to make that declaration? Whatever qualification is adopted, it ought to be made clear and definite. I admit that the present qualification is unsatisfactory. It is perfectly notorious that fictitious qualifications are obtained, and parties safely take the oath, though they are not *bonâ fide* in possession. Now, under such a system, it is impossible to resist the conclusion that it is most unsatisfactory. It is true that objection may be remedied by admitting a qualification upon personal property, and I think that if a respectable man is admitted to sit and vote in Parliament upon a personal qualification, it will be more satisfactory to his feelings than to oblige him, as now, to apply to some friend to give him a qualification in real property. Still, however, that borrowed qualification is, perhaps, the best test of the character of the individual to whom it is given, and I therefore do not look upon such qualification as mere waste paper; and though it is open to abuse, still it is a certificate of the honour and integrity of the party to whom it may be granted. On the whole, I confess, I do not see any advantage from agitating this question; but if the qualification is to be simplified, I see no objection to the addition of personal to landed property. I would, however, exclude professional income, chattel property, such as furniture, or the stallion of which my Honourable and Gallant Friend the Member for Lincoln has spoken, and would confine the alteration to a qualification from such real or personal property as *bonâ fide* gives the party possessing it a fixed income; but I should require, also, precautions that the qualification should be *bonâ fide;* for as I object to the present system, so I should equally object to a temporary transfer of funded property to give a parliamentary qualification. Let the qualification be as liberal as Honourable Members please, but make it definite.

Mr. GOULBURN. — I concur in the view taken of this subject by my Right Honourable Friend who has just sat down, and especially that care should be taken to prevent the "loose dealing" (of which the Noble Lord has spoken) in funded property. Perhaps it may be thought that this is a question in which I ought not to interpose, inasmuch as I am one of those from whom no property qualification is required. But it should be remembered that the Members for the Universities are required to have some qualification in other respects; the Universities are obliged to return Members of their own body supposed to be qualified otherwise than by property. I do not mean to assert that that applies to myself, individually. With respect to this Bill, I think it would be better to withdraw it from further discussion at present, in order to render its enactments more comformable to practice. If the Bill merely continues the present existing qualification, with the addition of a qualification from funded property, it will be more likely to work well than in its present shape.

Mr. WARBURTON. — I cannot consent to extend the qualification merely to funded property, when I know many leaseholds as good as freeholds. I have no objection to withdraw the provisions in the Bill as to professional incomes, and leave the qualification to be upon real and personal property of a tangible character. I desire also to equalise the amount of the county qualification to that now necessary for a borough qualification, viz., 300*l.* a-year. On that understanding, I will consent to the chairman here reporting progress, and I will frame clauses for the purposes I have stated.

Mr. BERNAL. — I would beg to suggest that this can easily be done by the words "seised and possessed of a clear and annual income of 300*l.* per annum."

SIR R. PEEL. — I cannot consent to the undertaking the Honourable Member for Bridport desires. I repeat, that I am ready to add personal to the existing landed qualification, but I cannot commit myself to the proposition for making the qualification for counties the same as that required for boroughs. I reserve myself, also, on the question as to the amount of the qualification.

Mr. PRAED. — I hold myself at liberty to propose my amendment when the amended Bill is brought forward.

The House then resumed; the chairman reported progress, and obtained leave to sit again on Thursday next.

LOWER CANADA BILL.

This Bill having been brought up, —

LORD JOHN RUSSELL said: — This Bill has just been brought up, returned from the Lords with no alteration in it from the condition in which it left this House, except an enactment that the oath of allegiance shall be taken by the Members of the Council to be appointed under the Bill, agreeably to the provisions of the Act of 1791. This being so, I hope there will be no objection to the amendment being taken into our immediate consideration. I therefore now move that this House do agree to the amendment of the Lords, to insert in that part of this Bill, after the word "Council" these words: "Provided always, that no Member of the said Special Council do sit or vote at the said Board without having previously taken the oath of allegiance to her Majesty," &c.

Lords' amendment agreed to.

SALMON FISHERIES (SCOTLAND) BILL.

Second reading deferred till Wednesday, 21st of February.

COPYHOLDS ENFRANCHISEMENT BILL.

"Bill to facilitate the enfranchisement of lands of copyhold and customary tenures."

COPYHOLDS IMPROVEMENT BILL.

"Bill for the amendment of the law relating to lands, held by copy of court roll."

BOUNDARIES BILL.

"Bill to authorise the identifying or ascertaining of the boundaries of manors or lands where such boundaries are confused or unknown."

ESCHEATS BILL.

"Bill for the amendment of the law of escheat, and the law relating to the forfeiture of lands and chattels for crimes; and of the law relating to chattels belonging to persons dying intestate and without kindred; and for enabling her Majesty to make grants of lands and chattels in certain cases."

DESCENTS BILL.

"Bill for abolishing customs affecting lands in certain cases."

These Bills were severally presented, read a first time, and ordered to be read a second time on February 23d (Friday), and to be printed.

PAPERS, &c.

Tithe Commutation. — Returns presented of the number of tithe commutations which have been completed by appointment to 31st of December, 1837.

Tithes. — Return presented of notices and agreements for commutation received by Tithe Commissioners from June, 1837.

(Severally ordered 26th and 29th of January). — To be printed.

Adjourned at twelve o'clock.
